



# The Karnataka Prevention of Superstitious Practices Bill, 2013

## Policy Framework and Model Legislation

*Prepared by the*  
**CENTRE FOR THE STUDY OF SOCIAL EXCLUSION**  
*and*  
**INCLUSIVE POLICY**



**NATIONAL LAW SCHOOL OF INDIA UNIVERSITY**  
**BANGALORE**

### **Submitted to**

Sri. Siddaramaiah, Hon'ble Chief Minister of Karnataka

In the presence of Sri. H. Anjaneya, Hon'ble Minister for Social Welfare and Backward  
Classes and Sri. T. B. Jayachandra, Hon'ble Minister for Law and Animal Husbandry

November 2013.

The Content of this book is a result of a series of discussions and consultations held at the Centre for the Study of Social Exclusion & Inclusive Policy (CSSEIP), NLSIU.

This publication may be reproduced and used, in part or in the whole, without the written permission of the copyright holders but must be duly acknowledged. Due care and diligence has been taken and exercised in the editing and printing of this book. Neither the authors nor the publisher of this book hold any responsibility for any mistakes that may have inadvertently occurred in the publication process.

*For further information and copies please contact:*

Centre for the Study Social Exclusion & Inclusive Policy (CSSEIP), National Law School of India University, Nagarbhavi, Bangalore – 560 242. Telephone: (080) 23160531/28/32. Email: csse@nls.ac.in

# Acknowledgements

We acknowledge with grateful thanks the contributions, efforts and support of the following persons in preparing this document.

## **Draft legislation:**

Dr. S. Japhet (coordinator); Mr. Nitin Ramesh, Advocate; Mr. Arghya Sengupta and Mr. Alok Prasanna, Vidhi Centre for Legal Policy, New Delhi; Ms. Srijoni Sen, Faculty, NLSIU; Ms. Sanhita Ambast, Mr. K. Arkesh, Former IGP, Central Reserve Police Force anthropologist and Dr. K.V. Ravindranath Tagore, Former DGP (Addl.).

## **Concept note:**

Dr. G.Ramakrishna, Editor, Hosatu Monthly; Dr. K. Marulasiddappa, Professor (retd), Department of Kannada Studies, Bangalore University; Dr. Siddalingaiah, Chair, Dr Ambedkar Study Centre, Bangalore University; Dr. Aravind Malagatti, Professor, Institute of Kannada Studies, University of Mysore; Dr. M.N.Keshava Rao, Director, Grade Scientist, CSIR, Government of India; Prof. A.S.Nataraj, Social Activist and President, Akhila Karnataka Vicharavaadigala Sangha, Bangalore; Dr. G.S. Vishwanath, Director of Health Services (Retd), Government of Karnataka; Dr. C.S. Hanumanthappa, Surgeon and President, Society of Brainism, Bangalore; Prof. Nagaragere Ramesh, Peoples' Democratic Forum, Bangalore, Mr. Shivasundar, Social Activist and Journalist; Dr.Vasundara Bhupathi, Chair, Karnataka Mahila Lekhakiyara Sangha, Bangalore; Ms. K.S. Vimala, State Vice President, All India Janawadi Mahila Sanghatane, Bangalore; Dr. Mallika Ghanti, Professor of Kannada, Vijayanagara University, Bellary; Dr. B.T.Lalitha Nayak, Writer, Former Legislator; Dr. C.S.Dwarakanath, Advocate and Former Chair, Permanent Backward Class Commission; Prof. Nagari Babaiah, Peoples' Democratic Forum, Bangalore; Mr. Agrahara Krishnamurty, writer; Vaddagere Nagarajaiah, writer, Lecturer in English; Dr. V.P. Niranjandarandhya, Educationist, Dr. Bala Gurusurthy,

Assistant Professor, CSSEIP; Dr. V.S.Sreedhara, Associate Director, CSSEIP and Dr. S.Japhet, Director, CSSEIP

**Concept note endorsed by:**

M/S. Prof. Haragopal, Visiting Faculty, NLSIU, Devanura Mahadeva, Prof. Baraguru Ramachandrappa; Dr. Narendra Nayak; Prof. Hi.Chi. Boralingaiah; Dr. Rajendra Chenni; Prof. Chandrashekara Patil; Dr. H.S.Raghavendra Rao; G.Rajashekar, Prof. K.Phaniraj, A.K.Subbaiah; Prof. S.G.Siddaraaiah; Prof. G.K.Govinda Rao; Gauri Lankesh; Banu Mushtaq; Sara Abbubeqr; Indira Krishnappa; Du. Saraswathi; Dr. H.S. Anupama; Dr. M.S. Ashadevi; Dr. L.Hanumanthaiiah; Dr. Vasu Malali; Dr. Nataraj Huliya; Dr. Mogalli Ganesh; Dr. Muzafar Azadi; Indudara Honnapura; Ramzan Darga; Shivaji Ganeshan, Dr. Banjagere Jayaprakash; Agni Sridhar; Prof. K.B.Siddaiah; Prof. Abdul Aziz; Kotaganahalli Ramaiah; Prof. B.Gangadhara Murthy; Mavalli Shankar; D.S.Nagabhushan; M. Venkata Swamy; Lolaksha; Prof. N.V.Narasimhaiah; Laxminarayana Nagavara; Janardhan (janni); Mangaluru Vijaya; Dr. Rahamath Tarikere; Shudra Srinivas; Dr. C.G.Laxmipathi; N.Venkatesh; Laxmipathi Kolar; Dr. Bananduru Kempaiah; Kodihalli Chandrashekar; Prof. H.Govindaiah; Srinivasa Karkala; Prof. Shivaramaiah; Subbu Holeyar; Dr. Chennanna Walikar; M. Abdul Rahaman Pasha; Dr. Dominic; Chelur Venkatesh; Dr. Ranganath Kantana Kunte; K.P.Suresha; Praddep Esteve; Dr. K.S.Bhagavan; Kiran Kamal Prasad and Vishwanath Swami.

Our special thanks to Mrs. Mukta Dabholkar, Pune for her inputs and Dr. K.S. Geetha, Former Director, Directorate of Translations, Govt. of Karnataka for translating the Legal documents and Prof. Susheela Punita and Smt Bageshree for their help in translating the concept note.

We also thank both the print and electronic media for keeping the debate alive, especially *Vijaya Karnataka*, *Prajavani*, *Deccan Herald* and *The Hindu* for their support.

Our thanks are also due to Ms. Sakshi of NLSIU for her support, Smt. Shashikala, for her secretarial assistance, Mr. Nagesh for his timely help and colleagues at CSSEIP for making this report possible.

# CONTENTS

1. Introduction.....	7
2. Draft Legislation .....	9
3. Concept note .....	55
4. Bibliography.....	77
5. Appendix	
a. Maharashtra Bill.....	82
b. Similar legislations in Karnataka.....	91



# 1. Introduction

A disturbingly high number of superstitious practices which cause significant harm and exploitation of common people especially of vulnerable sections of society continue to be perpetuated today across our country and Karnataka in particular. At the same time there are several forms of superstitious practices, both in urban and rural areas which result in severe financial exploitation and mental agony for victims. Such practices have no place in a civilised society governed by the rule of law. The wide existence of such practices squarely infringes the right to life with dignity guaranteed by Article 21 of the Constitution of India and reinforced in several judgments of the Supreme Court. Further, while all persons are entitled to the freedom of conscience or belief, certain superstitious practices negatively impact public order, morality and health. With several recent incidents of this nature coming to light, the specific criminalisation of such practices along with spreading awareness of the ill-effects of superstitious practices of this nature have become imperative. The proposed draft of 'Karnataka Prevention of Superstitious Practices Bill, 2013' seeks to achieve these objectives.

The Honourable Chief Minister of Karnataka, Sri Siddaramaiah, has come forward to enact a Bill to ban superstitious practices in Karnataka following the ordinance passed by Maharashtra Government in the wake of the tragic murder of Dr. Narendra Dabholkar, who fought against the ill effects of blind belief and superstition.

Centre for the Study of Social Exclusion and Inclusive Policy (CSSEIP) most willingly responded to the invitation of the Government of Karnataka (ಸಂಖ್ಯೆ. ಶಾಇ - 1239/ವಿಕಾ(ಶಾಇ)/2013) to assist in preparing a policy framework and draft bill in this regard which is also the mandate of the Centre. CSSEIP adopted two approaches to address this task: one to prepare a broad policy framework, and, two to draft a model bill by consolidating the input received on the policy note and legal research. In the first phase, the Centre organised several rounds



of consultations with eminent scholars, academicians, folklorists and legal experts and social activists for more than a month. The draft concept note was circulated among more than two hundred fifty scholars across the State and the same was posted in public domain through print media for discussion and feedback. The inputs and comments were consolidated and a final concept note was prepared. The second phase involved legal experts carrying out background research and drafting the model Bill. The team included NLSIU faculty and eminent alumni trained in the area at internationally reputed universities like Oxford, Cambridge and Columbia. Thorough research has been undertaken by critically evaluating the constitutional legal validity, domestic legislations and judgements, comparative international laws and conventions regarding the issue of superstitious practices. The report is thus a result of rigorous research and consultations. CSSEIP, a UGC sponsored research centre at NLSIU, is mandated to engage in research and provide policy solutions related to discrimination and exclusion of the marginalised and vulnerable social groups in our society. We are indeed happy that this endeavour is part of several such activities successfully completed within and outside Karnataka.

On behalf of CSSEIP and NLSIU, I would like to thank all those who contributed in the making of this report and supported us. I would like to specially thank the Government of Karnataka for engaging us in this important task. We look forward to such collaborations concerning the marginalised and disadvantaged social groups in our State.

I am grateful to our Vice Chancellor, Prof (Dr) R.Venkata Rao who has helped us in this endeavour, as ever.

Bangalore  
November 5, 2013

**Dr. S. Japhet**  
Co-ordinator, drafting committee  
Professor & Director, CSSEIP, NLSIU

## 2. Draft Legislation

	<p style="text-align: center;"><b>THE KARNATAKA PREVENTION OF SUPERSTITIOUS PRACTICES BILL, 2013</b> A Bill</p> <p><i>to make special provision for the prevention of superstitious practices that are harmful, exploitative and offensive to human dignity with a view to eradicate them; to establish the Karnataka Anti-Superstition Authority at the state level and Vigilance Committees on Superstitious Practices at the district level to ensure such prevention, extend protection to those who expose the ill-effects of superstitious practices and create awareness regarding such effects; and other matters connected therewith or incidental thereto</i></p> <p>Be it enacted by the Karnataka Legislature in Sixty-fourth Year of the Republic of India as follows:</p>
<b>Chapter I: Preliminary</b>	
<b>Short title, Extent and commencement</b>	<ol style="list-style-type: none"><li>1. (1) This Act may be called the Karnataka Prevention of Superstitious Practices Act, 2013.</li><li>2) It extends to the whole of the State of Karnataka.</li><li>3) It shall come into force on such date as the State Government may, by notification appoint.</li></ol> <p><i>Provided</i>, that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.</p>

<p><b>Definitions</b></p>	<p>2. 1) In this Act, unless the context otherwise requires,</p> <p>a) ‘Authority’ means the Karnataka Anti-Superstition Authority established by Section 9 of the Act;</p> <p>b) ‘Committee’ means the Vigilance Committee on Superstitious Practices under Section 15 of the Act;</p> <p>c) ‘Fund’ means the Prevention of Superstitious Practices Fund established by the State Government under Section 8 of the Act;</p> <p>d) ‘persons’ includes both natural persons and legal persons;</p> <p>e) ‘prescribed’ means prescribed by rules made under this Act;</p> <p>f) ‘propagate’ means advertisement, publication, broadcast or communication of any content in support of superstitious practices;</p> <p>g) ‘regulations’ means the regulations made by the Karnataka Anti-Superstition Authority or regulations made by the Vigilance Committee on Superstitious Practices in each district under this Act, as the context indicates;</p> <p>h) ‘rules’ means the rules made under this Act;</p> <p>i) ‘Schedule’ means the Schedule to this Act;</p> <p>j) ‘superstitious practice’ means any act which:</p> <ol style="list-style-type: none"> <li>i. Causes grave physical or mental harm to; or</li> <li>ii. Results in financial or any sexual exploitation of; or</li> <li>iii. Offends the human dignity of; another person or a group of persons, by invoking a purported supernatural power, with the promise of curing such person or group of persons of disease or affliction or purporting to provide a benefit, or threatening them with adverse consequences; or</li> </ol> <p style="padding-left: 40px;">Any act specified in the Schedule.</p> <p>k) ‘victim’ means a person who is gravely harmed physically or mentally, exploited financially or sexually, or whose dignity is offended by the commission of a superstitious practice.</p> <p>(2) Words and expressions used but not defined herein, shall have respective meanings as assigned to them in the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and the Code of Criminal Procedure, 1973.</p>
---------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>Chapter II: Prohibition of Superstitious Practices</b>	
<b>Offence of committing a superstitious practice</b>	<p><b>3.</b> (1) Any person who promotes, propagates or performs a superstitious practice shall be punished with imprisonment for a term which shall not be less than one year but which may extend to five years or with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or both.</p> <p>(2) Consent of the victim shall not be a defence under this section.</p> <p>(3) Notwithstanding anything contained in this section, a victim of a superstitious practice shall not be guilty of committing or abetting that practice.</p>
<b>Offences by Companies</b>	<p><b>4.</b> (1) Where an offence under this Act has been committed by a company, every person, who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p><i>Provided that,</i> nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer responsible for exercise of proper care or supervision of the company in that respect, such director, manager, secretary or concerned officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>

	<p>Explanation - For the purposes of this section -</p> <p>(a) “company” means a body corporate and includes a firm, association of persons or body of individuals, whether incorporated or not; and also includes a trust, whether registered under any law for the time being in force or not.</p> <p>(b) “director” in relation to a firm means a partner in the firm and in relation to a body corporate, an association of persons or body of individuals, means any person controlling the affairs thereof; and in relation to a trust includes the person managing the affairs of the trust.</p>
<b>Abetment</b>	<p><b>5.</b> Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.</p> <p>Explanation: For the purpose of this Act, ‘abetment’ has the meaning assigned to it in the Indian Penal Code (45 of 1860).</p>
<b>Offences to be cognizable and non-bailable</b>	<p><b>6.</b> Unless specifically indicated in the Schedule, all offences punishable under this Act shall be cognizable and non-bailable.</p>
<b>Jurisdiction to try offences</b>	<p><b>7.</b> No court inferior to that of a Metropolitan Magistrate or a Magistrate of a First Class shall try any offence punishable under this Act.</p>
<b>Prevention of Superstitious Practices Fund</b>	<p><b>8.</b> (1) The State Government shall establish the Prevention of Superstitious Practices Fund to</p> <p>(i) provide relief, compensation and rehabilitation to the victims of superstitious practices;</p> <p>(ii) promote awareness and education on development of scientific temper and the need to prevent superstitious practices;</p>

	<p>(iii) undertake such other activities consistent with the provisions of this Act.</p> <p>(2) The procedure and manner of contribution and disbursal of moneys under such Fund shall be in accordance with the rules prescribed in this behalf.</p> <p>(3) Nothing contained in this Section shall derogate from the power of the Court to pass an order to pay compensation under Section 357 of the Code.</p>
<b>Chapter III: Karnataka Anti-Superstition Authority</b>	
<b>Karnataka Anti-Superstition Authority</b>	<b>9.</b> There shall be an authority known as the Karnataka Anti-Superstition Authority.
<b>Composition</b>	<p><b>10.</b> (1) The Governor shall appoint the Chairperson and Members of the Authority.</p> <p>(2) The Authority shall consist of:</p> <p>i. A retired judge of the High Court of Karnataka, to be appointed on the recommendation of the Chief Justice of the High Court of Karnataka, Chairperson;</p> <p>ii. Two eminent persons, who shall be academicians, social workers or legal experts who have special knowledge, experience or expertise in relation to superstitious practices and ill-effects thereof, Members;</p> <p>(3) The Secretary to the Department of Social Welfare shall be the Member-Secretary of the Authority.</p>
<b>Term of office and conditions of service</b>	<p><b>11.</b> (1) A person appointed as the Chairperson or Member of the Authority shall hold office for a term of three years from the date on which he enters such office.</p> <p>(2) The salary, allowances and conditions of service of the Chairperson and Members shall be such as may be prescribed.</p> <p>(3) The Chairperson or Members may by writing under his hand addressed to the Governor resign his office.</p>

<p><b>Powers and Functions</b></p>	<p><b>12.</b> It shall be the duty of the Authority to:</p> <ol style="list-style-type: none"><li>i. Ensure effective implementation of the provisions of this Act;</li><li>ii. Collate reports submitted by District Vigilance Committees established under this Act;</li><li>iii. Oversee the administration of the Prevention of Superstitious Practices Fund set up by Section 8 of this Act;</li><li>iv. Recommend appropriate measures for the prevention and eradication of superstitious practices in State institutions and by Ministers, officers and employees in their official capacities;</li><li>v. Scrutinize and audit primary and higher education curricula to further the development of scientific temper and recommend appropriate corrective measures;</li><li>vi. Facilitate research and studies on the effects of superstitious practices;</li><li>vii. Perform all other functions ascribed to the District Vigilance Committee in Section 17;</li><li>viii. Undertake such other functions for the eradication of superstitious practices as are consistent with the objects of this Act.</li></ol> <p>1) Only in exercising the functions conferred on the Authority under this Act, the Authority shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:-</p> <ol style="list-style-type: none"><li>i. Summoning and enforcing the attendance of any person and examining him on oath;</li><li>ii. requiring the discovery and production of any document;</li><li>iii. proof of facts by affidavits; and</li><li>iv. issuing commissions for examination of facts and documents.</li><li>v. any other, as may be prescribed</li></ol>
------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>Officers and Employees</b>	<p><b>13.</b> (1) The State Government may appoint such number of officers and other employees it may consider necessary for the discharge of functions of the Authority under this Act.</p> <p>(2) The terms and conditions of office of the officers and other employees of the Authority appointed under sub-section (1) shall be such as may be prescribed.</p>
<b>Meetings and Procedures</b>	<p><b>14.</b> (1) The Authority may meet at such time and place as the Chairperson may decide</p> <p>(2) The Authority shall have the power to specify, by regulations, the procedure for the discharge of its functions under the Act.</p>
<b>Chapter IV: Vigilance Committee on Superstitious Practices</b>	
<b>Vigilance Committees</b>	<p><b>15.</b> There shall be a Vigilance Committee on Superstitious Practices in each district, to be constituted by the State government by notification in the Official Gazette, for a term of three years.</p>
<b>Composition</b>	<p><b>16.</b> Each Committee shall consist of:</p> <p>(1) The District Magistrate or any other person nominated by him, Chairperson.</p> <p><i>Provided</i> any person nominated by the District Magistrate shall be a person who enjoys the powers of Executive Magistrate under the Code;</p> <p>(2) three persons residing in the district to be nominated by the District Magistrate, including the District Social Welfare Officer and one district level officer of the Directorate of Civil Rights Enforcement, Members;</p> <p>(3) five members from civil society to be nominated by the State Government, who shall be academicians, social workers or legal experts who have special knowledge, experience or expertise in relation to the superstitious practices and evil effects thereof, Members;</p> <p><i>Provided</i>, at least two members nominated under this sub-section shall be women;</p> <p><i>Provided further</i>, at least three non-official members nominated under this sub-section shall be persons belonging to Scheduled Castes and Scheduled Tribes.</p>



<p><b>Functions</b></p>	<p><b>17.</b> It shall be the duty of each Committee:</p> <ol style="list-style-type: none"><li>(1) To undertake district-wide surveys to identify superstitious practices and make suitable recommendations to the State Government for their inclusion in the Schedule;</li><li>(2) To hold awareness programmes and campaigns for people within the district regarding the ill-effects of superstitious practices, especially involving vulnerable sections of society;</li><li>(3) To receive individual complaints from any person or take <i>suo motu</i> cognizance of violations of this Act by any person or organisation and report them to the jurisdictional police for necessary action.  Explanation: This provision is without prejudice to the general powers and jurisdiction of the police to directly entertain such complaints.</li><li>(4) To entertain and inquire into grievances from individuals and organisations that expose and fight superstitious practices and to extend appropriate protection under law and take all such necessary measures including issuing directions to the law enforcement agencies for this purpose.</li><li>(5) To make enquiries into allegations of wilful negligence of the duties under this Act by public officials</li><li>(6) To issue appropriate directions to any persons, authorities or agencies to carry out the purposes of this Act, especially to prevent the violation of the provisions of this Act.</li><li>(7) To undertake comprehensive socioeconomic rehabilitation measures for the victims of superstitious practices.</li></ol>
-------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>Powers and jurisdiction</b></p>	<p><b>18.</b> (1) Only in exercising the functions conferred on the Committee under this Act, the Committee shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:-</p> <ul style="list-style-type: none"> <li>(a) Summoning and enforcing the attendance of any person and examining him on oath;</li> <li>(b) requiring the discovery and production of any document;</li> <li>(c) proof of facts by affidavits; and</li> <li>(d) issuing commissions for examination of facts and documents.</li> <li>(e) any other, as may be prescribed.</li> </ul> <p>(2) The jurisdiction of the Committee extends to the entire revenue district.</p>
<p><b>Meetings and Procedures</b></p>	<p><b>19.</b> (1) The decision of the majority of the members of each Committee shall be considered as the decision of the Committee.</p> <p>(2) Each Committee may constitute subcommittees for the purposes of specific and urgent action, which shall be later ratified by the Committee.</p> <p>(3) The quorum for the meetings of each Committee and the sub-Committee(s) shall be, as may be prescribed.</p> <p>(4) Each Committee may meet at such time and place as the Chairperson may decide <i>Provided</i>, it shall meet at least once every three months.</p> <p>(5) The fees and allowances paid to the Chairperson and Members shall be such as may be prescribed</p> <p>(6) Each Committee shall have the power to specify, by regulations, the procedure for the discharge of its functions under the Act.</p> <p>(7) No act or proceedings of the Committee shall be questioned or invalidated merely on the ground of existence of any vacancy in, or defect in the constitution of the Committee.</p>

<b>Chapter V: Miscellaneous</b>	
<b>Application of other Laws</b>	<p><b>20.</b> The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.</p>
<b>Power to Make Rules</b>	<p><b>21.</b> (1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing provisions, such Rules may provide for:</p> <ul style="list-style-type: none"> <li>(a) Contribution and disbursement of moneys under the Fund as per Section 8(2)</li> <li>(b) Salary, fees, allowances and conditions of service of the Chairperson and Members of the Authority and the Committee under Section 11(2)</li> <li>(c) The terms and conditions of office of office-bearers and other employees of the Authority under Section 13(2)</li> <li>(d) Quorum for meetings of the Committee under Section 19(3)</li> <li>(e) Fees and allowances to be paid to the Chairperson and Members of the Committee under Section 19(5)</li> </ul> <p>(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>

<b>Power to Make Regulations</b>	<b>22.</b> The Authority and Committee may issue regulations to give effect to the provisions of this Act and the Rules framed hereunder by the State Government.
<b>Power to Remove Difficulties</b>	<b>23.</b> (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty: <i>Provided,</i> that no such order shall be made under this Section after the expiry of a period of two years from the commencement of this Act. (2) Every order made under this Section shall be laid, as soon as may be after it is made, before each House of the State Legislature.
<b>Savings</b>	<b>24.</b> All Rules, Regulations, orders, notifications, or circulars relating to matters provided for in this Act, which are in force on the date of commencement of this Act, shall continue to be in force to the extent that they are consistent with the provisions of this Act, unless superseded by any action taken or any Rule, Regulation, notification or order made under this Act.

### Schedule [Section 3]

1. The following offences shall be cognizable:

a. (i) Sacrificing a human being for gain or for appeasing a deity

Notwithstanding anything contained in this Act, the punishment for the performance of human sacrifice shall be death or imprisonment for life, and shall also be liable to fine

(ii) Spreading belief in human sacrifice or persuading others to perform human sacrifice.

b. Attempting to cure illness or carry out supposed exorcism or bhutochhaatane using violent means.

- c. (i) Carrying out aghori, siddubhukti or similar practices in violation of S. 297 of the Indian Penal Code, 1860;
- (ii) forcing others to indulge in such practices; or
- (iii) using the threat of supposed powers gained from such practices to economically or sexually exploit persons.
- d. Declaring possession by a purported divine or spiritual entity, and using such declaration to
  - (i) promise remedies or benefits in exchange for consideration; or
  - (ii) threaten divine displeasure or spiritual censure for personal gain.
- e. Invoking black magic or performing maata, whether or not in exchange for consideration, that is intended to harm targeted third persons and which gravely threatens them.
- f. Persuading, propagating or facilitating rituals that involve self-inflicted injuries such as hanging from a hook inserted into the body (sidi) or pulling a chariot by a hook inserted into the body.
- g. Persuading, propagating or facilitating rituals involving harm inflicted on children in the name of curing them, such as throwing them on thorns or from heights.
- h. Superstitious practices against women:
  - (i) Forcing isolation, prohibiting re-entry into the village or facilitating segregation of menstruating or pregnant women
  - (ii) Throwing coloured water on women from vulnerable sections of society, resulting in their humiliation or offending their human dignity, such as okuli
  - (iii) Subjecting women to inhuman and humiliating practices such as parading them naked in the name of worship or otherwise, such as bettale seve
  - (iv) Exposing women to sexual exploitation invoking supernatural means, with the promise of conferring social or personal benefits including pregnancy.
- i. Forcing any person to carry on practices such as killing of an animal by biting its neck (gaavu), that cause harm to public health.
- j. Facilitating made snana or similar practices that violate human dignity

- k. Discrimination on the basis of caste or gender in the name of superstition
  - (i) Forcing any person belonging to vulnerable sections of society to carry out humiliating practices such as carrying footwear on his or her head
  - (ii) Carrying out practices such as *panktibheda* or segregation of people on the basis of caste while serving food
- 2. The following offences shall be non-cognizable
  - a. Making harmful predictions that result in
    - (i) stigmatisation or condemnation of any person on the basis of time or place of birth;
    - (ii) performance of humiliating practices by victims in the belief that it will fulfil said predictions; or
    - (iii) severe financial loss caused to victims
  - b. Declaring the guilt or innocence of any person by subjecting them to physical or mental harm such as forcing him to hold a flame with bare hands.

### **Statement of Objects and Reasons**

- 1. A disturbingly high number of superstitious practices which cause significant harm and exploitation of common people especially in vulnerable sections of society continue to be perpetuated across the state today. Practices such as *agbori*, *made snana*, *bettale seve* and other similar practices which are offensive to human dignity are widely prevalent. At the same time there are several forms of superstitious practices, both in urban and rural areas which result in severe financial exploitation and mental agony for victims. Such practices have no place in a civilised society governed by the rule of law.
- 2. The right to life with dignity is a fundamental right guaranteed by Article 21 of the Constitution of India and reinforced in several judgments of the Supreme Court of India. The wide existence of such practices squarely infringes such right. Further, while all persons are entitled to the freedom of conscience or belief, certain superstitious practices negatively impact public order, morality and health. With several recent incidents of this nature coming to light, the specific criminalisation of such practices along with spreading awareness of the ill-effects of superstitious practices of this

nature have become imperative. The Karnataka Prevention of Superstitious Practices Bill, 2013 seeks to achieve these objectives.

3. Specifically, the Bill seeks to make the promotion, propagation or performance of certain superstitious practices which causes grave physical or mental harm to others, financially or sexually exploits them, or offends their basic human dignity, with a promise to cure them or provide a benefit or with a threat of adverse consequences, by invoking purported supernatural powers, a criminal offence. Stringent punishment to those guilty of such offences, it is believed, will ensure effective deterrence thereby preventing the recurrence of such practices, gradually leading to their eradication.
4. At the same time, it is essential that common people are educated on the evil effects of such practices, and when they do occur, have a forum to report such occurrences to. Thus the Bill seeks to set up the Karnataka Anti-Superstition Authority as the nodal state level authority responsible for ensuring overall implementation of the Act. The Authority is to be supplemented by Vigilance Committees on Superstitious Practices at the district level which can receive complaints, redress grievances, assist the jurisdictional police in investigation and prosecution, take *suo motu* action as appropriate and undertake educational and awareness campaigns sensitising people, especially in vulnerable sections of society, to the ill-effects of superstitious practices.
5. The Bill would thus enable the development of the scientific temper, humanism and the spirit of inquiry and reform, a fundamental duty of every citizen under Article 51A(h) of the Constitution of India. At the same time by preventing the perpetuation of superstitious practices, it would allow them to lead a life of dignity, guaranteed under the Constitution.
6. The Bill seeks to achieve the above objectives.

	<p style="text-align: center;"><b>ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಪ್ರತಿಬಂಧಕ ವಿಧೇಯಕ, 2013</b></p> <p>ಹಾನಿಕರ, ಶೋಷಣಾತ್ಮಕ ಹಾಗೂ ಮಾನವನ ಘನತೆಗೆ ಕುಂದುಂಟು ಮಾಡುವ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳನ್ನು ನಿರ್ಮೂಲನ ಮಾಡುವ ದೃಷ್ಟಿಯಿಂದ ಅವುಗಳ ನಿವಾರಣೆಗೆ; ಹಾಗೆ ನಿವಾರಣೆ ಮಾಡುವುದನ್ನು ಖಚಿತ ಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ರಾಜ್ಯ ಮಟ್ಟದಲ್ಲಿ ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ವಿರೋಧಿ ಪ್ರಾಧಿಕಾರವನ್ನು ಮತ್ತು ಜಿಲ್ಲಾ ಮಟ್ಟದಲ್ಲಿ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಬಗೆಗಿನ ಜಾಗೃತ ಸಮಿತಿಗಳನ್ನು ಸ್ಥಾಪಿಸುವುದಕ್ಕಾಗಿ, ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ದುಷ್ಪರಿಣಾಮಗಳನ್ನು ಬಯಲಿಗಳೆಯುವವರಿಗೆ ರಕ್ಷಣೆ ನೀಡುವುದಕ್ಕಾಗಿ ಮತ್ತು ಅಂಥ ಪರಿಣಾಮಗಳ ಬಗ್ಗೆ ತಿಳಿವಳಕೆ ಮೂಡಿಸುವುದಕ್ಕಾಗಿ ಹಾಗೂ ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಅಥವಾ ಅದಕ್ಕೆ ಪ್ರಾಸಂಗಿಕವಾದ ವಿಷಯಗಳ ಬಗ್ಗೆ ವಿಶೇಷ ಉಪಬಂಧ ಕಲ್ಪಿಸುವುದಕ್ಕಾಗಿ ಒಂದು ವಿಧೇಯಕ</p>
	<p style="text-align: center;"><b>ಅಧ್ಯಾಯ-1</b></p>
<p><b>ಚಿಕ್ಕ ಹೆಸರು, ವ್ಯಾಪ್ತಿ ಮತ್ತು ಪ್ರಾರಂಭ:-</b></p> <p><b>ಪರಿಭಾಷೆಗಳು:</b></p>	<ol style="list-style-type: none"> <li>1. ಈ ಅಧಿನಿಯಮವನ್ನು, ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಪ್ರತಿಬಂಧಕ ವಿಧೇಯಕ, 2013 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.</li> <li>(2) ಇದು ಇಡೀ ಕರ್ನಾಟಕ ರಾಜ್ಯಕ್ಕೆ ವ್ಯಾಪ್ತವಾಗುತ್ತದೆ.</li> <li>(3) ಈ ಅಧಿನಿಯಮದ (3)ನೇ ಪ್ರಕರಣವು ಈ ಕೂಡಲೇ ಜಾರಿಯಲ್ಲಿ ಬರತಕ್ಕದ್ದು ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ಉಳಿದ ಉಪಬಂಧಗಳು ರಾಜ್ಯ ಸರ್ಕಾರವು ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸಬಹುದಾದಂಥ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿ ಬರತಕ್ಕದ್ದು ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ಬೇರೆ ಬೇರೆ ಉಪಬಂಧಗಳಿಗೆ ಬೇರೆ ಬೇರೆ ದಿನಾಂಕಗಳನ್ನು ಗೊತ್ತುಪಡಿಸಬಹುದು ಮತ್ತು ಅಂತಹ ಯಾವುದೇ ಉಪಬಂಧದಲ್ಲಿ ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಉಲ್ಲೇಖವನ್ನು ಆ ಉಪಬಂಧವು ಜಾರಿಯಲ್ಲಿ ಬರುವ ದಿನಾಂಕಕ್ಕೆ ಮಾಡಿದ ಉಲ್ಲೇಖವೆಂದು ಅರ್ಥೈಸತಕ್ಕದ್ದು.</li> <li>2. - (1) ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಸಂದರ್ಭಕ್ಕೆ ಬೇರೆ ಅರ್ಥದ ಅಗತ್ಯವಿಲ್ಲದಿದ್ದರೆ,             <ol style="list-style-type: none"> <li>(ಎ) “ಪ್ರಾಧಿಕಾರ” ಎಂದರೆ, ಅಧಿನಿಯಮದ 9ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸ್ಥಾಪಿಸಲಾದ ‘ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ವಿರೋಧಿ ಪ್ರಾಧಿಕಾರ’;</li> <li>(ಬಿ) “ಸಮಿತಿ” ಎಂದರೆ, ಅಧಿನಿಯಮದ 15ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಬಗೆಗಿನ ಜಾಗೃತ ಸಮಿತಿ;;</li> <li>(ಸಿ) “ನಿಧಿ” ಎಂದರೆ, ಅಧಿನಿಯಮದ 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ರಾಜ್ಯಸರ್ಕಾರದಿಂದ ಸ್ಥಾಪಿಸಲಾದ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ತಡೆ ನಿಧಿ;</li> </ol> </li> </ol>



	<p>(ಡಿ) “ವ್ಯಕ್ತಿಗಳು” ಎಂಬುದರಲ್ಲಿ ಸಹಜ ವ್ಯಕ್ತಿಗಳು ಮತ್ತು ಕಾನೂನು ವ್ಯಕ್ತಿಗಳು ಸೇರುತ್ತಾರೆ;</p> <p>(ಇ) “ನಿಯಮಿಸಲಾದುದು” ಎಂದರೆ, ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ನಿಯಮಗಳಿಂದ ನಿಯಮಿಸಲಾದುದು;</p> <p>(ಎಫ್) “ಪ್ರಸಾರ” ಎಂದರೆ, ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳನ್ನು ಬೆಂಬಲಿಸುವ ಯಾವುದೇ ವಿಷಯದ ಜಾಹೀರಾತು, ಪ್ರಕಟಣೆ, ಪ್ರಸಾರ ಅಥವಾ ಸಮಾಚಾರ;</p> <p>(ಜಿ) “ನಿಯಮಾವಳಿಗಳು” ಎಂದರೆ, ಸಂದರ್ಭವು ಸೂಚಿಸುವಂತೆ, ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಪ್ರತಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ವಿರೋಧಿ ಪ್ರಾಧಿಕಾರದಿಂದ ರಚಿಸಲಾದ ನಿಯಮಾವಳಿಗಳು ಅಥವಾ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಬಗೆಗಿನ ಜಾಗೃತ ಸಮಿತಿಯಿಂದ ರಚಿಸಲಾದ ನಿಯಮಾವಳಿಗಳು;</p> <p>(ಎಚ್) “ನಿಯಮಗಳು” ಎಂದರೆ, ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ನಿಯಮಗಳು;</p> <p>(ಐ) “ಅನುಸೂಚಿ” ಎಂದರೆ, ಈ ಅಧಿನಿಯಮಕ್ಕಿರುವ ಅನುಸೂಚಿ</p> <p>(ಜೆ) “ಮೂಢನಂಬಿಕೆ ಆಚರಣೆ” ಎಂದರೆ, ಇನ್ನೊಬ್ಬ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ಕಾಯಿಲೆಯನ್ನು ಅಥವಾ ಸರಿಕೆಟವನ್ನು ಪರಿಹರಿಸುವ ಭರವಸೆ ನೀಡಿ ಅಥವಾ ಅವರಿಗೆ ಲಾಭ ಉಂಟಾಗುತ್ತದೆಂದು ತಿಳಿಸಿ ಅಥವಾ ಪ್ರತಿಕೂಲ ಪರಿಣಾಮ ಉಂಟಾಗುತ್ತದೆಂದು ಹೆದರಿಸಿ ಅತಿಮಾನುಷ ಶಕ್ತಿಯನ್ನು ಆಹ್ವಾನಿಸುವ ಮೂಲಕ ಅವರಿಗೆ-</p> <p>(ಎ) ತೀವ್ರತರವಾದ ದೈಹಿಕ ಅಥವಾ ಮಾನಸಿಕ ಹಾನಿಯುಂಟು ಮಾಡುವ ಅಥವಾ</p> <p>(ಬಿ) ಹಣಕಾಸಿನ ಅಥವಾ ಯಾವುದೇ ಲೈಂಗಿಕ ಶೋಷಣೆಯನ್ನುಂಟು ಮಾಡುವ ಅಥವಾ</p> <p>(ಸಿ) ಮನುಷ್ಯನ ಘನತೆಗೆ ಘಾಸಿಯುಂಟುಮಾಡುವ ಯಾವುದೇ ಕೃತ್ಯ; ಅಥವಾ ಅನುಸೂಚಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಯಾವುದೇ ಕೃತ್ಯ.</p>
<p>“ಬಲಿಯಾದ ವ್ಯಕ್ತಿ”</p>	<p>ಎಂದರೆ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಯನ್ನು ಮಾಡಿದುದರಿಂದಾಗಿ ಯಾವ ವ್ಯಕ್ತಿಗೆ ತೀವ್ರತರವಾದ ದೈಹಿಕ ಅಥವಾ ಮಾನಸಿಕ ಹಾನಿಯುಂಟಾಗಿದೆಯೋ, ಯಾರು ಆರ್ಥಿಕವಾಗಿ ಅಥವಾ ಲೈಂಗಿಕವಾಗಿ ಶೋಷಣೆಗೆ ಒಳಗಾಗಿರುವನೋ ಅಥವಾ ಯಾರ ಘನತೆಗೆ ಧಕ್ಕೆಯುಂಟಾಗಿದೆಯೋ ಅಂಥ ವ್ಯಕ್ತಿ;</p> <p>(2) ಇಲ್ಲಿ ಬಳಸಿರುವ ಆದರೆ ಪರಿಭಾಷಿಸಿಲ್ಲದಿರುವ ಪದಗಳು ಮತ್ತು ಅಭಿವ್ಯಕ್ತಿಗಳು, ಔಷಧಗಳು ಮತ್ತು ಐಂದ್ರಜಾಲಿಕ ಪರಿಹಾರಗಳ (ಆಕ್ಸೆಪೇಶಿಯ ಜಾಹೀರಾತುಗಳು) ಅಧಿನಿಯಮ, 1954ರಲ್ಲಿ ಮತ್ತು ದಂಡ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1973ರಲ್ಲಿ ಅವಕ್ಕೆ ಅನುಕ್ರಮವಾಗಿ ಕೊಟ್ಟಿರುವ ಅರ್ಥಗಳನ್ನೇ ಹೊಂದಿರತಕ್ಕದ್ದು.</p>

	<p><b>ಅಧ್ಯಾಯ-2 : ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ನಿಷೇಧ</b></p>
<p><b>ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಯನ್ನು ಮಾಡುವ ಅಪರಾಧ:-</b></p>	<p>(1) ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಯನ್ನು ಉತ್ತೇಜಿಸುವ, ಪ್ರಸಾರ ಮಾಡುವ ಅಥವಾ ನಡೆಸುವ ಯಾರೇ ವ್ಯಕ್ತಿಯು ಒಂದು ವರ್ಷಕ್ಕೆ ಕಡಿಮೆಯಿಲ್ಲದ ಅವಧಿಯ ಆದರೆ 5 ವರ್ಷಗಳಿಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಹತ್ತು ಸಾವಿರರೂಪಾಯಿಗಳಿಗೆ ಕಡಿಮೆಯಿಲ್ಲದ ಆದರೆ ಐವತ್ತು ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಇವೆರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.</p> <p>(2) ಬಲಿಯಾದ ವ್ಯಕ್ತಿಯ ಸಮ್ಮತಿಯು ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಪ್ರತಿರಕ್ಷೆಯಾಗತಕ್ಕದ್ದಲ್ಲ.</p> <p>(3) ಈ ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಯಿಂದ ಬಲಿಯಾದ ವ್ಯಕ್ತಿಯು, ಅಂಥ ಆಚರಣೆಯನ್ನು ನಡೆಸಿದುದರ ಅಥವಾ ಅದಕ್ಕೆ ದುಷ್ಟೀಕರಣೆ ನೀಡಿದುದರ ದೋಷಿಯಾಗತಕ್ಕದ್ದಲ್ಲ.</p>
<p><b>ಕಂಪನಿಗಳಿಂದ ಅಪರಾಧಗಳು.-</b></p>	<p>(4) (1) ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ದಂಡನೀಯವಾದ ಯಾವುದೇ ಅಪರಾಧವನ್ನು ಮಾಡುವ ವ್ಯಕ್ತಿಯು ಒಂದು ಕಂಪನಿಯಾಗಿದ್ದರೆ, ಅಪರಾಧವು ನಡೆದ ಕಾಲದಲ್ಲಿ ವ್ಯವಹಾರಗಳನ್ನು ನಡೆಸುವುದಕ್ಕಾಗಿ ಕಂಪನಿಯ ಆಡಳಿತವನ್ನು ಹೊಂದಿದ್ದ ಮತ್ತು ಕಂಪನಿಗೆ ಹೊಣೆಗಾರನಾಗಿದ್ದ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಮತ್ತು ಕಂಪನಿಯನ್ನು ಆ ಅಪರಾಧದ ತಪ್ಪಿತಸ್ಥನೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ತನ್ನ ವಿರುದ್ಧದ ವ್ಯವಹಾರಣೆಗೆ ಗುರಿಯಾಗತಕ್ಕದ್ದು ಹಾಗೂ ಅದಕ್ಕನುಸಾರವಾಗಿ ದಂಡಿತರಾಗತಕ್ಕದ್ದು;</p> <p>ಪರಂತು, ಈ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಇರುವುದು ಯಾವುದೂ, ಅಂಥ ಅಪರಾಧವು ತನಗೆ ಗೊತ್ತಿಲ್ಲದಂತೆ ನಡೆಯಿತೆಂದು ಅಥವಾ ಅಂಥ ಅಪರಾಧವು ನಡೆಯುವುದನ್ನು ತಡೆಗಟ್ಟಲು ತಾನು ಎಲ್ಲ ಯುಕ್ತ ಶ್ರದ್ಧೆಯನ್ನು ವಹಿಸಿದ್ದನೆಂದು ಅಂಥ ಯಾರೇ ವ್ಯಕ್ತಿಯು ರುಜುವಾತುಪಡಿಸಿದರೆ, ಅವನನ್ನು ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಉಪಬಂಧಿಸಿದ ಯಾವುದೇ ದಂಡನೆಗೆ ಗುರಿಪಡಿಸತಕ್ಕದ್ದಲ್ಲ.</p> <p>(2) (1)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆನ ಅಪರಾಧವನ್ನು ಒಂದು ಕಂಪನಿಯು ಮಾಡಿದ್ದಲ್ಲಿ ಮತ್ತು ಆ ಅಪರಾಧವನ್ನು, ಕಂಪನಿಯನ್ನು ನೋಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅಥವಾ ಅದರ ಉಸುವಾರಿಗೆ ಜವಾಬ್ದಾರನಾಗಿರುವ ಕಂಪನಿಯ ನಿರ್ದೇಶಕನ, ವ್ಯವಸ್ಥಾಪಕನ, ಕಾರ್ಯದರ್ಶಿಯ ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯ ಸಮ್ಮತಿಯಿಂದ ಅಥವಾ ಪರೋಕ್ಷ ಸಮ್ಮತಿಯಿಂದ ಮಾಡಲಾಗಿದೆಯೆಂದು ಅಥವಾ ಅವನ</p>

	<p>ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯದಿಂದ ಸಂಭವಿಸಿತೆಂದು ರುಜುವಾತಾದಲ್ಲಿ ಅಂಥ ನಿರ್ದೇಶಕನನ್ನು, ವ್ಯವಸ್ಥಾಪಕನನ್ನು, ಕಾರ್ಯದರ್ಶಿಯನ್ನು ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯನ್ನು ಆ ಅಪರಾಧದ ದೋಷಿಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅವನನ್ನು ವ್ಯವಹರಣೆಗೆ ಗುರಿಪಡಿಸತಕ್ಕದ್ದು ಮತ್ತು ತದನುಸಾರವಾಗಿ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.</p> <p>ವಿವರಣೆ:- ಈ ಪ್ರಕರಣದ ಉದ್ದೇಶಗಳಿಗಾಗಿ,-</p> <p>(ಎ) “ಕಂಪನಿ” ಎಂದರೆ, ಒಂದು ನಿಗಮಿತ ನಿಕಾಯ ಮತ್ತು ಇದು ಒಂದು ಫರ್ಮ್ ಅನ್ನು ವ್ಯಕ್ತಿಗಳ ಸಂಸ್ಥೆಯನ್ನು ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯವನ್ನು, ಅದು ನಿಗಮಿತವಾಗಿರಲಿ ಅಥವಾ ಇಲ್ಲದಿರಲಿ ಒಳಗೊಳ್ಳುತ್ತದೆ ಮತ್ತು ಇದು ಒಂದು ವಿಶ್ವಸ್ತ ಸಂಸ್ಥೆಯನ್ನೂ ಸಹ, ಅದು ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ನೋಂದಾಯಿತವಾಗಿರಲಿ ಅಥವಾ ಇಲ್ಲದಿರಲಿ, ಒಳಗೊಳ್ಳುತ್ತದೆ.</p> <p>(ಬಿ) “ಒಂದು ಫರ್ಮಿನ ಸಂಬಂಧದಲ್ಲಿ ನಿರ್ದೇಶಕ” ಎಂದರೆ ಫರ್ಮಿನ ಪಾಲುದಾರ ಮತ್ತು ನಿಗಮಿತ ನಿಕಾಯ, ವ್ಯಕ್ತಿಗಳ ಸಂಸ್ಥೆ, ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯದ ಸಂಬಂಧದಲ್ಲಿ, ಅವುಗಳ ವ್ಯವಹಾರಗಳ ನಿಯಂತ್ರಣವನ್ನು ಹೊಂದಿರುವ ಯಾರೇ ವ್ಯಕ್ತಿ ಮತ್ತು ಒಂದು ವಿಶ್ವಸ್ತ ಸಂಸ್ಥೆಯ ಸಂಬಂಧದಲ್ಲಿ, ವಿಶ್ವಸ್ತ ಸಂಸ್ಥೆಯ ವ್ಯವಹಾರಗಳನ್ನು ನೋಡಿಕೊಳ್ಳುವ ವ್ಯಕ್ತಿಯನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ.</p>
<p><b>ದುಷ್ಟೇರಣೆ.-</b></p>	<p>5. ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ದಂಡನಾರ್ಹವಾಗುವ ಯಾವುದೇ ಅಪರಾಧಕ್ಕೆ ದುಷ್ಟೇರಣೆ ನೀಡುವ ಯಾರೇ ವ್ಯಕ್ತಿಯು ಹಾಗೆ ದುಷ್ಟೇರಣೆ ನೀಡಿದ ಅಪರಾಧವನ್ನು ಎಸಗಲಾಗಿರಲಿ ಅಥವಾ ಇಲ್ಲದಿರಲಿ ಹಾಗೆ ದುಷ್ಟೇರಣೆ ನೀಡಿದ ಅಪರಾಧಕ್ಕೆ ನೀಡಲಾಗುವ ಅದೇ ಶಿಕ್ಷೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.</p> <p>ವಿವರಣೆ:- ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಕ್ಕಾಗಿ, ‘ದುಷ್ಟೇರಣೆ’ ಎಂಬುದು ಭಾರತ ದಂಡ ಸಂಹಿತೆ (1860ರ 45) ರಲ್ಲಿ ಅದಕ್ಕೆ ನೀಡಲಾಗಿರುವ ಅರ್ಥವನ್ನೇ ಹೊಂದಿರತಕ್ಕದ್ದು.</p>
<p><b>ಅಪರಾಧಗಳು ಸಂಜ್ಞೆಯ ಮತ್ತು ಜಾಮೀನೀಯ-ವಲ್ಲದವುಗಳು:-</b></p>	<p>6. ಅನುಸೂಚಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟವಾಗಿ ಸೂಚಿಸಿದ್ದ ಹೊರತು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ದಂಡನೀಯವಾಗುವ ಎಲ್ಲ ಅಪರಾಧಗಳು ಸಂಜ್ಞೆಯಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಜಾಮೀನಿಯವಲ್ಲದವುಗಳಾಗಿರತಕ್ಕದ್ದು.</p>

<p>ಅಪರಾಧಗಳ ವಿಚಾರಣೆ ನಡೆಸಲು ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ.-</p>	<p>7. ಮೆಟ್ರೋಪಾಲಿಟನ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಅಥವಾ ಪ್ರಥಮ ದರ್ಜೆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ನ್ಯಾಯಾಲಯಕ್ಕಿಂತ ಕೆಳಗಿನ ಯಾವುದೇ ನ್ಯಾಯಾಲಯವು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ದಂಡನೀಯವಾಗುವ ಯಾವುದೇ ಅಪರಾಧದ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸತಕ್ಕದ್ದಲ್ಲ.</p>
<p>ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ತಡೆ ನಿಧಿ.-</p>	<p>8. (1) ರಾಜ್ಯ ಸರ್ಕಾರವು,-</p> <p>(i) ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಯಿಂದ ಬಲಿಯಾದವರಿಗೆ ಪರಿಹಾರ, ನಷ್ಟ ಪರಿಹಾರ ಮತ್ತು ಪುನರ್ವಸತಿ ಕಲ್ಪಿಸುವುದಕ್ಕಾಗಿ,</p> <p>(ii) ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವವನ್ನು ಬೆಳೆಸಿಕೊಳ್ಳುವ ಬಗ್ಗೆ ಅರಿವು ಮತ್ತು ಶಿಕ್ಷಣ ನೀಡುವುದನ್ನು ಉತ್ತೇಜಿಸುವುದಕ್ಕಾಗಿ ಮತ್ತು ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಯನ್ನು ತಡೆಯುವುದಕ್ಕಾಗಿ,-</p> <p>(iii) ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳಿಗೆ ಸಂಗತವಾಗಿರುವ ಇತರ ಚಟುವಟಿಕೆಗಳನ್ನು ಕೈಗೊಳ್ಳುವುದಕ್ಕಾಗಿ</p> <p>- ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ತಡೆ ನಿಧಿಯನ್ನು ಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.</p> <p>(2) ಅಂತಹ ನಿಧಿಯ ಅಡಿಯಲ್ಲಿ ವಂತಿಗೆ ನೀಡಲು ಮತ್ತು ಅದರ ಹಣದ ನೀಡುವ ಬಟವಾಡೆ ಮಾಡುವ ಕಾರ್ಯವಿಧಾನ ಮತ್ತು ರೀತಿಯು ಈ ಸಂಬಂಧವಾಗಿ ನಿಯಮಿಸಬಹುದಾದ ನಿಯಮಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಇರತಕ್ಕದ್ದು.</p> <p>(3) ಈ ಪ್ರಕರಣದಲ್ಲಿ ಇರುವುದು ಯಾವುದು ಸಂಹಿತೆಯ 357ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಷ್ಟ ಪರಿಹಾರವನ್ನು ಸಂದಾಯ ಮಾಡುವ ಆದೇಶವನ್ನು ಹೊರಡಿಸುವ ನ್ಯಾಯಾಲಯದ ಅಧಿಕಾರವನ್ನು ಅಲ್ಪೀಕರಿಸತಕ್ಕದ್ದಲ್ಲ.</p>
	<p style="text-align: center;"><b>ಅಧ್ಯಾಯ-3</b></p> <p style="text-align: center;"><b>ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ವಿರೋಧಿ ಪ್ರಾಧಿಕಾರ</b></p>
<p>ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ವಿರೋಧಿ ಪ್ರಾಧಿಕಾರ.-</p>	<p>9. ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ವಿರೋಧಿ ಪ್ರಾಧಿಕಾರ ಎಂದು ಕರೆಯಲಾಗುವ ಒಂದು ಪ್ರಾಧಿಕಾರವಿರತಕ್ಕದ್ದು.</p>

<p><b>ಅಂಗರಚನೆ.-</b></p>	<p><b>10.</b> (1) ಆ ಪ್ರಾಧಿಕಾರದ ಅಧ್ಯಕ್ಷರನ್ನು ಮತ್ತು ಸದಸ್ಯರನ್ನು ರಾಜ್ಯಪಾಲರು ನೇಮಿಸತಕ್ಕದ್ದು.</p> <p>(2) ಪ್ರಾಧಿಕಾರವು-</p> <p>(i) ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಉಚ್ಚ ನ್ಯಾಯಾಧೀಶರ ಶಿಫಾರಸ್ಸಿನ ಮೇರೆಗೆ ನೇಮಿಸಬಹುದಾದ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಒಬ್ಬರು ನಿವೃತ್ತ ನ್ಯಾಯಾಧೀಶರನ್ನು ಅಧ್ಯಕ್ಷರನ್ನಾಗಿ;</p> <p>(ii) ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಮತ್ತು ಅವುಗಳ ದುಷ್ಪರಿಣಾಮಗಳ ಬಗ್ಗೆ ವಿಶೇಷ ಜ್ಞಾನವಿರುವ ಅನುಭವವಿರುವ ಮತ್ತು ಪರಿಣತಿಯಿರುವ ಶಿಕ್ಷಣವೇತ್ತರು, ಸಾಮಾಜಿಕ ಕಾರ್ಯಕರ್ತರು ಅಥವಾ ಕಾನೂನು ತಜ್ಞರು ಆಗಿರುವ ಇಬ್ಬರು ಗಣ್ಯ ವ್ಯಕ್ತಿಗಳನ್ನು, ಹೊಂದಿರತಕ್ಕದ್ದು;</p> <p>(3) ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆಯ ಕಾರ್ಯದರ್ಶಿಯವರು ಪ್ರಾಧಿಕಾರದ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಯಾಗಿರತಕ್ಕದ್ದು.</p>
<p><b>ಅಧಿಕಾರಾವಧಿ ಮತ್ತು ಸೇವಾ ಷರತ್ತುಗಳು.-</b></p>	<p><b>11.</b> (1) ಪ್ರಾಧಿಕಾರದ ಅಧ್ಯಕ್ಷರಾಗಿ ಅಥವಾ ಸದಸ್ಯರಾಗಿ ನೇಮಿತನಾದ ವ್ಯಕ್ತಿಯು, ಅಂತಹ ಪದಧಾರಣೆ ಮಾಡಿದ ದಿನಾಂಕದಿಂದ ಮೂರು ವರ್ಷಗಳ ಅವಧಿಗೆ ಪದಧಾರಣೆ ಮಾಡಿರತಕ್ಕದ್ದು.</p> <p>(2) ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಸದಸ್ಯರ ವೇತನ ಭತ್ಯೆಗಳು ಮತ್ತು ಸೇವಾ ಷರತ್ತುಗಳು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದ್ದು.</p> <p>(3) ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಸದಸ್ಯರು, ರಾಜ್ಯಪಾಲರಿಗೆ ಸಂಭೋಧಿಸಿ ಸ್ವ ಹಸ್ತಾಕ್ಷರದಲ್ಲಿ ಬರೆದ ಪತ್ರದ ಮೂಲಕ ತಮ್ಮ ಹುದ್ದೆಗೆ ರಾಜೀನಾಮೆ ನೀಡಬಹುದು.</p>
<p><b>ಅಧಿಕಾರಗಳು ಮತ್ತು ಕರ್ತವ್ಯಗಳು.-</b></p>	<p><b>12.</b> ಈ ಮುಂದಿನವುಗಳು ಪ್ರಾಧಿಕಾರದ ಕರ್ತವ್ಯಗಳಾಗಿರತಕ್ಕದ್ದು.-</p> <p>(i) ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸುವುದು;</p> <p>(ii) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸ್ಥಾಪನೆಯಾದ ಜಿಲ್ಲಾ ಜಾಗೃತ ಸಮಿತಿಗಳು ಸಲ್ಲಿಸಿದ ವರದಿಗಳನ್ನು ಸೂಕ್ಷ್ಮವಾಗಿ ಪರಿಶೀಲಿಸುವುದು;</p> <p>(iii) ಈ ಅಧಿನಿಯಮದ (8)ನೇ ಪ್ರಕರಣದ ಮೂಲಕ ಸ್ಥಾಪಿಸಲಾದ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ತಡೆ ನಿಧಿಯ ಆಡಳಿತವನ್ನು ನೋಡಿಕೊಳ್ಳುವುದು;</p>

	<p>(iv) ರಾಜ್ಯ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಸಚಿವರು, ಅಧಿಕಾರಿಗಳು ಮತ್ತು ನೌಕರರು ತಮ್ಮ ಪದೀಯ ಸಾಮರ್ಥ್ಯಗಳಲ್ಲಿ ಅನುಸರಿಸುವ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳನ್ನು ತಡೆಯಲು ಮತ್ತು ನಿರ್ಮೂಲನೆಗೊಳಿಸಲು ಸೂಕ್ತವಾದ ಕ್ರಮಗಳನ್ನು ಶಿಫಾರಸ್ಸು ಮಾಡುವುದು;</p> <p>(v) ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವವನ್ನು ಬೆಳೆಸಲು ಸಹಾಯಕವಾಗುವ ರೀತಿಯಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢ ಶಿಕ್ಷಣ ಪಠ್ಯಕ್ರಮವನ್ನು ಪರಿಶೀಲಿಸುವುದು ಮತ್ತು ಪರಿಶೋಧಿಸುವುದು ಮತ್ತು ಅವುಗಳನ್ನು ಸೂಕ್ತವಾದ ರೀತಿಯಲ್ಲಿ ಸರಿಪಡಿಸಲು ಶಿಫಾರಸ್ಸುಗಳನ್ನು ಮಾಡುವುದು;</p> <p>(vi) ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಪರಿಣಾಮಗಳ ಬಗ್ಗೆ ಸಂಶೋಧನೆ ಮತ್ತು ಅಧ್ಯಯನ ಕೈಗೊಳ್ಳಲು ಅನುಕೂಲ ಕಲ್ಪಿಸುವುದು;</p> <p>(vii) 16ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಜಿಲ್ಲಾ ಜಾಗೃತ ಸಮಿತಿಗಳಿಗೆ ವಹಿಸಲಾದ ಎಲ್ಲ ಇತರ ಪ್ರಕಾರ್ಯಗಳನ್ನೂ ನೆರವೇರಿಸುವುದು;</p> <p>(viii) ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳಿಗೆ ಸಂಗತವಾಗಿರುವಂತೆ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳನ್ನು ನಿರ್ಮೂಲನೆ ಮಾಡುವ ಅಂತಹ ಇತರ ಪ್ರಕಾರ್ಯಗಳನ್ನು ಕೈಗೊಳ್ಳುವುದು.</p> <p>(2) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಪ್ರದಾನ ಮಾಡಿರುವ ಪ್ರಕಾರ್ಯಗಳನ್ನು ಚಲಾಯಿಸುವಲ್ಲಿ ಮಾತ್ರ, ಸಿವಿಲ್ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1908 (1908ರ 5) ಅಡಿಯಲ್ಲಿ ದಾವೆಯನ್ನು ವಿಚಾರಣೆ ಮಾಡುವಾಗ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯವು ಹೊಂದಿರುವ ಅಧಿಕಾರಗಳನ್ನು, ಪ್ರಾಧಿಕಾರವು, ಈ ಮುಂದಿನ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಹೊಂದಿರತಕ್ಕದ್ದು, ಎಂದರೆ.-</p> <p>(i) ಯಾರೇ ವ್ಯಕ್ತಿಯನ್ನು ಸಮನು ಮಾಡುವ ಮತ್ತು ಹಾಜರಾತಿಯನ್ನು ಒತ್ತಾಯಿಸುವುದು ಮತ್ತು ಅವನನ್ನು ಪ್ರಮಾಣವಚನದ ಮೇಲೆ ಪರೀಕ್ಷೆಗೆ ಒಳಪಡಿಸುವುದು;</p> <p>(ii) ಯಾವುದೇ ದಸ್ತಾವೇಜನ್ನು ಪತ್ತೆ ಮಾಡುವಂತೆ ಮತ್ತು ಹಾಜರುಪಡಿಸುವಂತೆ ಅಗತ್ಯಪಡಿಸುವುದು;</p> <p>(iii) ಅಫಿಡವಿಟ್ಟುಗಳ ಮೂಲಕ ಸಂಗತಿಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವುದು ಮತ್ತು</p> <p>(iv) ಸಂಗತಿಗಳ ಮತ್ತು ದಸ್ತಾವೇಜುಗಳ ಪರೀಕ್ಷೆಗೆ ಕಮೀಷನ್ನುಗಳನ್ನು ಹೊರಡಿಸುವುದು;</p> <p>(v) ನಿಯಮಿಸಬಹುದಾದಂತಹ ಇತರ ಯಾವುದೇ ವಿಷಯ.</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಉದ್ಯೋಗಿಗಳು.-</b></p>	<p>13. (1) ರಾಜ್ಯ ಸರ್ಕಾರವು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಪ್ರಾಧಿಕಾರವು ತನ್ನ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಅಗತ್ಯ ಎಂದು ಪರಿಗಣಿಸುವ ಅಂತಹ ಸಂಖ್ಯೆಯ ಅಧಿಕಾರಿಗಳನ್ನು ಮತ್ತು ಇತರ ಉದ್ಯೋಗಿಗಳನ್ನು ನೇಮಕ ಮಾಡಬಹುದು.</p> <p>(2) (1)ನೇ ಉಪ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೇಮಕ ಮಾಡಲಾದ ಪ್ರಾಧಿಕಾರದ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಇತರ ಉದ್ಯೋಗಿಗಳ ಅಧಿಕಾರಾವಧಿ ಮತ್ತು ಷರತ್ತುಗಳು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದ್ದು.</p>
<p><b>ಸಭೆಗಳು ಮತ್ತು ಕಾರ್ಯವಿಧಾನ.-</b></p>	<p>14. (1) ಪ್ರಾಧಿಕಾರವು, ಅಧ್ಯಕ್ಷರು ನಿರ್ವಹಿಸಬಹುದಾದಂತಹ ಸಮಯದಲ್ಲಿ ಮತ್ತು ಅಂತಹ ಸ್ಥಳದಲ್ಲಿ ಸಭೆ ಸೇರತಕ್ಕದ್ದು.</p> <p>(2) ಪ್ರಾಧಿಕಾರವು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ತನ್ನ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನೆರವೇರಿಸಲು ಕಾರ್ಯ ವಿಧಾನವನ್ನು ನಿಯಮಾವಳಿಗಳ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸುವ ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು.</p>
<p><b>ಅಧ್ಯಾಯ -4</b> <b>ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಬಗೆಗೆ ಜಾಗೃತ ಸಮಿತಿ</b></p>	
<p><b>ಜಾಗೃತ ಸಮಿತಿಗಳು:-</b></p>	<p>15. ಪ್ರತಿ ಜಿಲ್ಲೆಯಲ್ಲಿಯೂ, ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಮೂರು ವರ್ಷಗಳ ಅವಧಿಗೆ ರಚಿಸಲಾಗುವ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಬಗೆಗಿನ ಒಂದು ಜಾಗೃತ ಸಮಿತಿ ಇರತಕ್ಕದ್ದು.</p>
<p><b>ಅಂಗರಚನೆ:-</b></p>	<p>16. ಪ್ರತಿ ಸಮಿತಿಯು ಈ ಮುಂದಿನವರನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು.</p> <p>(1) ಜಿಲ್ಲಾ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಅಥವಾ ಅವರಿಂದ ನಾಮನಿರ್ದೇಶಿತನಾದ ಯಾರೇ ಇತರ ವ್ಯಕ್ತಿ, ಅಧ್ಯಕ್ಷರು: ಪರಂತು ಜಿಲ್ಲಾ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಂದ ನಾಮನಿರ್ದೇಶಿತನಾದ ಯಾರೇ ವ್ಯಕ್ತಿಯು ಸಂಹಿತೆಯ ಅಡಿಯಲ್ಲಿ ಕಾರ್ಯಕಾರಿ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಅಧಿಕಾರ ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯಾಗಿರತಕ್ಕದ್ದು.</p> <p>(2) ಜಿಲ್ಲಾ ಸಮಾಜ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿ ಮತ್ತು ಸಿವಿಲ್ ಹಕ್ಕುಗಳ ಜಾರಿ ನಿರ್ದೇಶನಾಲಯದ ಜಿಲ್ಲಾ ಮಟ್ಟದ ಒಬ್ಬರು ಅಧಿಕಾರಿಯನ್ನು ಒಳಗೊಂಡಂತೆ ಜಿಲ್ಲಾ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ನಾಮನಿರ್ದೇಶಿಸುವ ಜಿಲ್ಲೆಯಲ್ಲಿ ವಾಸಿಸುವ ಮೂವರು ವ್ಯಕ್ತಿಗಳು, ಸದಸ್ಯರು,-</p> <p>(3) ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ನಾಮನಿರ್ದೇಶಿತರಾಗುವ ನಾಗರಿಕ ಸಮಾಜದ ಐವರು ಸದಸ್ಯರು, ಅವರು ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಮತ್ತು ಅವುಗಳ ದುಷ್ಪರಿಣಾಮಗಳ ಬಗ್ಗೆ ವಿಶೇಷ ಜ್ಞಾನವಿರುವ, ಅನುಭವವಿರುವ ಮತ್ತು ಪರಿಣತಿಯಿರುವ ಶಿಕ್ಷಣವೇತ್ತರು, ಸಾಮಾಜಿಕ ಕಾರ್ಯಕರ್ತರು ಅಥವಾ ಕಾನೂನು ತಜ್ಞರು ಆಗಿರತಕ್ಕದ್ದು:</p>

	<p>ಪರಂತು, ಈ ಉಪ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಾಮನಿರ್ದೇಶಿತರಾಗುವ ಕನಿಷ್ಠ ಇಬ್ಬರು ಸದಸ್ಯರು ಮಹಿಳೆಯರಾಗಿರತಕ್ಕದ್ದು;</p> <p>ಮತ್ತೂ ಪರಂತು, ಈ ಉಪ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಾಮನಿರ್ದೇಶಿತರಾದ ಕನಿಷ್ಠ ಮೂವರು ಸರ್ಕಾರೇತರ ಸದಸ್ಯರು ಅನುಸೂಚಿತ ಜಾತಿ ಮತ್ತು ಅನುಸೂಚಿತ ಪಂಗಡಗಳಿಗೆ ಸೇರಿದ ವ್ಯಕ್ತಿಗಳಾಗಿರತಕ್ಕದ್ದು.</p>
<p><b>ಪ್ರಕಾರ್ಯಗಳು:-</b></p>	<p>17. ಈ ಮುಂದಿನವುಗಳು ಪ್ರತಿ ಸಮಿತಿಯ ಕರ್ತವ್ಯಗಳಾಗಿರತಕ್ಕದ್ದು;</p> <p>(1) ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳನ್ನು ಗುರುತಿಸಲು ಜಿಲ್ಲಾದ್ಯಂತ ಸಮೀಕ್ಷೆಗಳನ್ನು ಕೈಗೊಳ್ಳುವುದು ಮತ್ತು ಅವುಗಳನ್ನು ಅನುಸೂಚಿಯಲ್ಲಿ ಸೇರಿಸಲು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಸೂಕ್ತವಾದ ಶಿಫಾರಸ್ಸುಗಳನ್ನು ಮಾಡುವುದು;</p> <p>(2) ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ದುಷ್ಪರಿಣಾಮಗಳ ಬಗ್ಗೆ ಜಿಲ್ಲೆಯಲ್ಲಿನ ಜನತೆಗೆ ಅದರಲ್ಲೂ ವಿಶೇಷವಾಗಿ ಅದಕ್ಕೆ ಸುಲಭವಾಗಿ ಬಲಿಯಾಗುವ ಸಮಾಜದ ದುರ್ಬಲ ವರ್ಗಗಳಿಗೆ ತಿಳಿವಳಿಕೆ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಮತ್ತು ಆಂದೋಲನಗಳನ್ನು ನಡೆಸುವುದು;</p> <p>ಯಾರೇ ವ್ಯಕ್ತಿಯು ಅಥವಾ ಸಂಸ್ಥೆಯು ಈ ಅಧಿನಿಯಮವನ್ನು ಉಲ್ಲಂಘಿಸಿರುವ ಬಗ್ಗೆ ಯಾರೇ ವ್ಯಕ್ತಿಯಿಂದ ವೈಯಕ್ತಿಕ ದೂರುಗಳನ್ನು ಸ್ವೀಕರಿಸುವುದು ಅಥವಾ ತಾನೇ ಸ್ವತಃ ಅದರ ಸಂಜ್ಞಾನವನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದು ಮತ್ತು ಅಗತ್ಯ ಕ್ರಮಕ್ಕಾಗಿ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಿರುವ ಪೊಲೀಸಿಗೆ ಅದನ್ನು ವರದಿ ಮಾಡುವುದು.</p> <p><b>ವಿವರಣೆ:-</b> ಈ ಉಪಬಂಧವು, ಅಂತಹ ದೂರುಗಳನ್ನು ನೇರವಾಗಿ ತೆಗೆದುಕೊಳ್ಳುವ ಪೊಲೀಸರ ಸಾಮಾನ್ಯ ಅಧಿಕಾರಗಳು ಮತ್ತು ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೆ ಪ್ರತಿಕೂಲವಾಗಿರುವುದಿಲ್ಲ.</p> <p>(4) ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳನ್ನು ಬಯಲಿಗೆಳೆಯುವ ಮತ್ತು ಅದರ ವಿರುದ್ಧ ಹೋರಾಡುವ ವ್ಯಕ್ತಿಗಳಿಂದ ಮತ್ತು ಸಂಸ್ಥೆಗಳಿಂದ ಬರುವ ದೂರುಗಳನ್ನು ಸ್ವೀಕರಿಸುವುದು ಮತ್ತು ಅದರ ವಿಚಾರಣೆ ನಡೆಸುವುದು ಹಾಗೂ ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ಅವರಿಗೆ ಸೂಕ್ತ ರಕ್ಷಣೆ ನೀಡುವುದು ಮತ್ತು ಈ ಉದ್ದೇಶಕ್ಕಾಗಿ ಕಾನೂನು ಜಾರಿಗೊಳಿಸುವ ಸಂಸ್ಥೆಗಳಿಗೆ ನಿರ್ದೇಶನಗಳನ್ನು ಕೊಡುವುದು ಸೇರಿದಂತೆ ಎಲ್ಲಾ ಅಗತ್ಯ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳುವುದು.</p> <p>(5) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿನ ಕರ್ತವ್ಯಗಳನ್ನು ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ನಿರ್ಲಕ್ಷಿಸುವ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣೆ ನಡೆಸುವುದು.</p>



	<p>(6) ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳನ್ನು ನೆರವೇರಿಸಲು, ವಿಶೇಷವಾಗಿ ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳ ಉಲ್ಲಂಘನೆಯನ್ನು ತಡೆಗಟ್ಟಲು ಯಾರೇ ವ್ಯಕ್ತಿಗಳಿಗೆ, ಪ್ರಾಧಿಕಾರಗಳಿಗೆ ಅಥವಾ ಏಜೆನ್ಸಿಗಳಿಗೆ ಸೂಕ್ತವಾದ ನಿರ್ದೇಶನಗಳನ್ನು ನೀಡುವುದು.</p> <p>(7) ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳಿಗೆ ಬಲಿಯಾದವರಿಗೆ ಸಮಗ್ರ ಸಮಾಜೋ-ಆರ್ಥಿಕ ಪುನರ್ವಸತಿ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳುವುದು.</p>
<p><b>ಅಧಿಕಾರಗಳು ಮತ್ತು ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ:-</b></p>	<p><b>18.</b> (1) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸಮಿತಿಗೆ ಪ್ರದಾನ ಮಾಡಿರುವ ಪ್ರಕಾರ್ಯಗಳನ್ನು ಚಲಾಯಿಸುವಲ್ಲಿ ಮಾತ್ರ, ಸಮಿತಿಯು, ಸಿವಿಲ್ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1908 (1908ರ 5) ಅಡಿಯಲ್ಲಿ ದಾವೆಯನ್ನು ವಿಚಾರಣೆ ಮಾಡುವಾಗ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯವು ಹೊಂದಿರುವ ಅಧಿಕಾರಗಳನ್ನು ಈ ಮುಂದಿನ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಹೊಂದಿರತಕ್ಕದ್ದು, ಎಂದರೆ.-</p> <p>(ಎ) ಯಾರೇ ವ್ಯಕ್ತಿಯನ್ನು ಸಮನು ಮಾಡುವ ಮತ್ತು ಹಾಜರಾತಿಯನ್ನು ಒತ್ತಾಯಗೊಳಿಸುವ ಮತ್ತು ಅವನನ್ನು ಪ್ರಮಾಣವಚನದ ಮೇಲೆ ಪರೀಕ್ಷೆಗೆ ಒಳಪಡಿಸುವುದು;</p> <p>(ಬಿ) ಯಾವುದೇ ದಸ್ತಾವೇಜನ್ನು ಪತ್ತೆ ಮಾಡುವಂತೆ ಮತ್ತು ಹಾಜರುಪಡಿಸುವಂತೆ ಅಗತ್ಯಪಡಿಸುವುದು;</p> <p>(ಸಿ) ಅಫಿಡವಿಟ್ಟುಗಳ ಮೂಲಕ ಸಂಗತಿಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವುದು ಮತ್ತು</p> <p>(ಡಿ) ಸಂಗತಿಗಳ ಮತ್ತು ದಸ್ತಾವೇಜುಗಳ ಪರೀಕ್ಷೆಗೆ ಕಮೀಷನ್ನುಗಳನ್ನು ಹೊರಡಿಸುವುದು;</p> <p>(ಇ) ನಿಯಮಿಸಬಹುದಾದಂತಹ ಇತರ ಯಾವುದೇ ವಿಷಯ.</p> <p>(2) ಸಮಿತಿಯ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯು ಇಡೀ ಕಂದಾಯ ಜಿಲ್ಲೆಗೆ ವ್ಯಾಪ್ತವಾಗುತ್ತದೆ.</p>
<p><b>ಸಭೆಗಳು ಮತ್ತು ಕಾರ್ಯವಿಧಾನ:-</b></p>	<p><b>19.</b> (1) ಪ್ರತಿ ಸಮಿತಿಯ ಸದಸ್ಯರ ಬಹುಮತದ ನಿರ್ಧಾರವನ್ನು ಸಮಿತಿಯ ನಿರ್ಧಾರವೆಂದು ಪರಿಗಣಿಸತಕ್ಕದ್ದು.</p> <p>(2) ಪ್ರತಿ ಸಮಿತಿಯು ನಿರ್ದಿಷ್ಟವಾದ ಮತ್ತು ತುರ್ತು ಕ್ರಮದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಉಪ ಸಮಿತಿಗಳನ್ನು ರಚಿಸಬಹುದು. ಇದನ್ನು ಸಮಿತಿಯು ತದನಂತರದಲ್ಲಿ ಅನುಸಮರ್ಥಿಸತಕ್ಕದ್ದು.</p> <p>(3) ಪ್ರತಿ ಸಮಿತಿಯ ಮತ್ತು ಉಪ ಸಮಿತಿಯ (ಗಳ) ಸಭೆಗೆ ಗಣ ಪೂರ್ತಿಯು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದ್ದು.</p>

	<p>(4) ಪ್ರತಿ ಸಮಿತಿಯು ಅಧ್ಯಕ್ಷರು ನಿರ್ಧರಿಸಬಹುದಾದಂತಹ ಸಮಯದಲ್ಲಿ ಮತ್ತು ಅಂತಹ ಸ್ಥಳದಲ್ಲಿ ಸಭೆ ಸೇರತಕ್ಕದ್ದು. ಪರಂತು, ಅಂಥ ಸಭೆಯು ಕನಿಷ್ಠ ಮೂರು ತಿಂಗಳಿಗೊಮ್ಮೆ ಸೇರತಕ್ಕದ್ದು.</p> <p>(5) ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಸದಸ್ಯರಿಗೆ ಸಂದಾಯ ಮಾಡುವ ಶುಲ್ಕ ಮತ್ತು ಭತ್ಯೆಗಳು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಇರತಕ್ಕದ್ದು.</p> <p>(6) ಪ್ರತಿ ಸಮಿತಿಯು, ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ತನ್ನ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನೆರವೇರಿಸಲು ಕಾರ್ಯವಿಧಾನವನ್ನು ನಿಯಮಾವಳಿಗಳ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸುವ ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು.</p> <p>(7) ಸಮಿತಿಯ ಯಾವುದೇ ಕೃತ್ಯ ಅಥವಾ ನಡವಳಿಗಳನ್ನು, ಯಾವುದೇ ಖಾಲಿ ಸ್ಥಾನ ಇದೆ ಎಂಬ ಅಥವಾ ಸಮಿತಿಯ ರಚನೆಯಲ್ಲಿ ದೋಷವಿದೆಯೆಂಬ ಕಾರಣ ಮಾತ್ರದಿಂದಲೇ ಪ್ರಶ್ನೆಗೆ ಒಳಪಡಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಅಸಿಂಧುಗೊಳಿಸತಕ್ಕದ್ದಲ್ಲ.</p>
	<p><b>ಅಧ್ಯಾಯ-5</b></p> <p><b>ಸಂಕೀರ್ಣ</b></p>
<p><b>ಇತರ ಕಾನೂನುಗಳ ಅನ್ವಯ:-</b></p>	<p>20. ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳು, ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನಿಗೆ ಹೆಚ್ಚುವರಿಯಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಅದನ್ನು ಅಲ್ಪೀಕರಿಸತಕ್ಕದ್ದಲ್ಲ.</p>
<p><b>ನಿಯಮಗಳ ರಚನಾಧಿಕಾರ:-</b></p>	<p>21. (1) ರಾಜ್ಯ ಸರ್ಕಾರವು, ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಜಾರಿಗೊಳಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು.</p> <p>(2) ವಿಶೇಷವಾಗಿ ಮತ್ತು ಹಿಂದೆ ಹೇಳಿದ ಉಪಬಂಧ ಸಾಮಾನ್ಯತೆಗೆ ಪ್ರತಿಕೂಲವಾಗದಂತೆ ಅಂತಹ ನಿಯಮಗಳು ಈ ಮುಂದಿನ ವಿಷಯಗಳಿಗೆ ಉಪಬಂಧ ಕಲ್ಪಿಸಬಹುದು.</p> <p>(ಎ) 8(2) ಪ್ರಕರಣದ ಪ್ರಕಾರ ನಿಧಿಗೆ ವಂತಿಗೆ ಮತ್ತು ಅದರ ಹಣದ ಬಟವಾಡೆ</p> <p>(ಬಿ) 11 (2)ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಪ್ರಾಧಿಕಾರದ ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಸದಸ್ಯರ ಮತ್ತು ಸಮಿತಿಯ ಸಂಬಳ, ಶುಲ್ಕಗಳು, ಭತ್ಯೆಗಳು ಮತ್ತು ಸೇವಾ ಷರತ್ತುಗಳು;</p> <p>(ಸಿ) 13(2)ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿನ ಪ್ರಾಧಿಕಾರದ ಪದಾಧಿಕಾರಿಗಳು ಮತ್ತು ಇತರ ಉದ್ಯೋಗಿಗಳ ಅಧಿಕಾರಾವಧಿ ಮತ್ತು ಷರತ್ತುಗಳು;</p>

	<p>(ಡಿ) 19(3) ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸಮಿತಿಗಳ ಸಭೆಗಳ ಗಣ ಪೂರ್ತಿ;</p> <p>(ಇ) 19(5)ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಸದಸ್ಯರಿಗೆ ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಶುಲ್ಕಗಳು ಮತ್ತು ಭತ್ಯೆಗಳು.</p> <p>(3) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಪ್ರತಿಯೊಂದು ನಿಯಮವನ್ನು, ಅದನ್ನು ರಚಿಸಿದ ತರುವಾಯ ಆದಷ್ಟು ಬೇಗನೆ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದ ಪ್ರತಿಯೊಂದು ಸದನದ ಮುಂದೆ, ಅದು ಅಧಿವೇಶನದಲ್ಲಿರುವಾಗ, ಒಂದು ಅಧಿವೇಶನದಲ್ಲಿ ಅಥವಾ ಒಂದಾದ ಮೇಲೊಂದರಂತೆ ಬರುವ ಎರಡು ಅಥವಾ ಹೆಚ್ಚು ಅಧಿವೇಶನಗಳಲ್ಲಿ</p> <p>ಅಡಕವಾಗಬಹುದಾದ ಒಟ್ಟು ಮೂವತ್ತು ದಿನಗಳ ಅವಧಿಯವರೆಗಿನ ಅಧಿವೇಶನದಲ್ಲಿ ಇಡತಕ್ಕದ್ದು, ಮತ್ತು ಮೇಲೆ ಹೇಳಿದ ಅಧಿವೇಶನದ ಅಥವಾ ಒಂದಾದ ಮೇಲೊಂದರಂತೆ ಬರುವ ಅಧಿವೇಶನಗಳ ನಿಕಟೋತ್ತರದ ಅಧಿವೇಶನವು ಮುಕ್ತಾಯವಾಗುವುದಕ್ಕೆ ಮುಂಚೆ, ಆ ನಿಯಮದಲ್ಲಿ ಯಾವುದೇ ಮಾರ್ಪಾಟನ್ನು ಮಾಡಬೇಕೆಂದು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ ಅಥವಾ ಆ ನಿಯಮವನ್ನು ಮಾಡಕೂಡದೆಂದು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ, ಸರ್ಕಾರವು, ಸರ್ಕಾರಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ</p> <p>ಆ ಮಾರ್ಪಾಟನ್ನು ಅಥವಾ ರದ್ದಿಯಾತಿಯನ್ನು ಅಧಿಸೂಚಿಸಿದ ದಿನಾಂಕದಿಂದ ಅಂಥ ನಿಯಮವು ಸಂದರ್ಭಾನುಸಾರ, ಹಾಗೆ ಮಾರ್ಪಾಟಾದ ರೂಪದಲ್ಲಿ ಮಾತ್ರ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದು ಅಥವಾ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದಲ್ಲ, ಆದಾಗ್ಯೂ ಅಂಥ ಯಾವುದೇ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿಯು ಆ ನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಹಿಂದೆ ಮಾಡಲಾದ ಯಾವುದೇ ಕಾರ್ಯದ ಸಿಂಧುತ್ವಕ್ಕೆ ಬಾಧಕವನ್ನುಂಟುಮಾಡತಕ್ಕದ್ದಲ್ಲ.</p>
<p>ನಿಯಮಾವಳಿಗಳನ್ನು ರಚಿಸುವ ಅಧಿಕಾರ:-</p>	<p>22. ಪ್ರಾಧಿಕಾರ ಮತ್ತು ಸಮಿತಿಯು, ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರವು ಇದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಿದ ನಿಯಮಗಳನ್ನು ಜಾರಿಗೊಳಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ನಿಯಮಾವಳಿಗಳನ್ನು ಹೊರಡಿಸಬಹುದು.</p>

<p><b>ತೊಂದರೆಗಳನ್ನು ನಿವಾರಿಸಲು ಅಧಿಕಾರ:-</b></p>	<p><b>23. (1)</b> ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಜಾರಿಗೊಳಿಸುವಾಗ ಯಾವುದೇ ತೊಂದರೆ ಉಂಟಾದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು, ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸುವ ಆದೇಶದ ಮೂಲಕ, ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳಿಗೆ ಅಸಂಗತವಲ್ಲದ ಮತ್ತು ತೊಂದರೆಯನ್ನು ನಿವಾರಿಸಲು ಅಗತ್ಯವೆಂದು ಕಂಡುಬರುವ ಅಂತಹ ಉಪಬಂಧಗಳನ್ನು ಮಾಡಬಹುದು.</p> <p>ಪರಂತು, ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದಿಂದ 2 ವರ್ಷಗಳ ಅವಧಿಯ ಮುಕ್ತಾಯದ ನಂತರ ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವುದೇ ಅಂತಹ ಆದೇಶವನ್ನು ಮಾಡತಕ್ಕದ್ದಲ್ಲ.</p> <p><b>(2)</b> ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಪ್ರತಿಯೊಂದು ಆದೇಶವನ್ನು, ಅದನ್ನು ಮಾಡಿದ ತರುವಾಯ ಕೂಡಲೇ ರಾಜ್ಯ ವಿಧಾನಮಂಡಲದ ಪ್ರತಿ ಸದನದ ಮುಂದೆ ಮಂಡಿಸತಕ್ಕದ್ದು.</p>
<p><b>ಉಳಿಸುವಿಕೆಗಳು:-</b></p>	<p><b>24. (1)</b> ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಉಪಬಂಧ ಕಲ್ಪಿಸಲಾಗಿರುವ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿರುವ ಎಲ್ಲ ನಿಯಮಗಳು, ನಿಯಮಾವಳಿಗಳು, ಆದೇಶಗಳು, ಅಧಿಸೂಚನೆಗಳು ಮತ್ತು ಸುತ್ತೋಲೆಗಳು ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳಿಗೆ ಅವುಗಳು ಸಂಗತವಾಗಿರುವಷ್ಟರ ಮಟ್ಟಿಗೆ, ಅವುಗಳನ್ನು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಕೈಗೊಳ್ಳಲಾದ ಯಾವುದೇ ಕ್ರಮ ಅಥವಾ ಮಾಡಲಾದ ಯಾವುದೇ ನಿಯಮ, ನಿಯಮಾವಳಿ, ಅಧಿಸೂಚನೆ ಅಥವಾ ಆದೇಶವು ರದ್ದುಗೊಳಿಸದಿದ್ದರೆ, ಜಾರಿಯಲ್ಲಿರುವುದು ಮುಂದುವರಿಯತಕ್ಕದ್ದು.</p>

**ಅನುಸೂಚಿ (ಪ್ರಕರಣ ೨):**

- (1) ಈ ಮುಂದಿನ ಅಪರಾಧಗಳು ಸಂಜ್ಞೇಯ ಅಪರಾಧಗಳಾಗಿರತಕ್ಕದ್ದು:
- (ಎ) (i) ಲಾಭಕ್ಕಾಗಿ ಅಥವಾ ದೈವವನ್ನು ಸಂಪ್ರೀತಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಮನುಷ್ಯನನ್ನು ಬಲಿ ಕೊಡುವುದು;
- (ii) ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಮನುಷ್ಯನನ್ನು ಬಲಿ ಕೊಡುವ ಆಚರಣೆಗೆ ಶಿಕ್ಷೆಯು ಮರಣ ಅಥವಾ ಆಜೀವ ಕಾರಾವಾಸ ಆಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಜುಲ್ಮಾನೆಗೂ ಒಳಗಾಗತಕ್ಕದ್ದು.
- (iii) ಮಾನುಷ್ಯ ಬಲಿಯಲ್ಲಿನ ನಂಬಿಕೆಯನ್ನು ಹರಡುವುದು ಅಥವಾ ಮಾನುಷ್ಯ ಬಲಿ ಕೊಡುವಂತೆ ಇತರರನ್ನು ಪ್ರೇರೇಪಿಸುವುದು.
- (ಬಿ) ಕಾಯಿಲೆಯನ್ನು ಗುಣಪಡಿಸಲು ಪ್ರಯತ್ನಿಸುವುದು ಅಥವಾ ಹಿಂಸಾತ್ಮಕ ರೀತಿಯಿಂದ ಭೂತೋಚ್ಚಾಟನೆಯನ್ನು ನಡೆಸುವುದು.
- (ಸಿ) (i) ಭಾರತ ದಂಡ ಸಂಹಿತೆ, 1860ರ 297ನೇ ಪ್ರಕರಣದ ಉಲ್ಲಂಘನೆಯಲ್ಲಿ ಅಘೋರಿ, ಸಿದ್ಧುಭುಕ್ತಿ ಅಥವಾ ಸದೃಶ ಆಚರಣೆಯನ್ನು ನೆರವೇರಿಸುವುದು;
- (ii) ಅಂಥ ಆಚರಣೆಗಳಲ್ಲಿ ತೊಡಗುವಂತೆ ಇತರರನ್ನು ಒತ್ತಾಯಿಸುವುದು; ಅಥವಾ
- (iii) ಅಂಥ ಆಚರಣೆಗಳಿಂದ ಪಡೆಯಲಾಗಿದೆಯೆನ್ನಲಾದ ಶಕ್ತಿಯ ಭಯವನ್ನು ಉಪಯೋಗಿಸಿಕೊಂಡು ಆರ್ಥಿಕವಾಗಿ ಮತ್ತು ಲೈಂಗಿಕವಾಗಿ ವ್ಯಕ್ತಿಗಳ ಶೋಷಣೆ ಮಾಡುವುದು;
- (ಡಿ) ದೈವಿಕ ಅಥವಾ ಅಧ್ಯಾತ್ಮಿಕ ಶಕ್ತಿ ಸ್ವಾಧೀನವಾಗಿದೆಯೆಂದು ಘೋಷಿಸುವುದು ಮತ್ತು ಅಂಥ ಘೋಷಣೆಯನ್ನು ಬಳಸಿಕೊಂಡು,
- (i) ಹಣವನ್ನು ಪಡೆದು ಪರಿಹಾರಗಳ ಅಥವಾ ಲಾಭಗಳ ಭರವಸೆಯನ್ನು ಕೊಡುವುದು;
- (ii) ಅಥವಾ ವೈಯಕ್ತಿಕ ಲಾಭಕ್ಕಾಗಿ ದೈವದ ಕೋಪದ ಅಥವಾ ಆತ್ಮದ ಖಂಡನೆಯ ಭಯವನ್ನು ಹುಟ್ಟಿಸುವುದು;
- (ಇ) ಹಣಕ್ಕಾಗಿ ಅಥವಾ ಇಲ್ಲವೇ ಉಚಿತವಾಗಿ ವಾಮಾಚಾರವನ್ನು (ಬ್ಲಾಕ್ ಮ್ಯಾಜಿಕ್) ಅಥವಾ ಮಾಟವನ್ನು ಇತರ ವ್ಯಕ್ತಿಗಳಿಗೆ ತೊಂದರೆಯುಂಟು ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಮತ್ತು ಅವರಿಗೆ ತೀವ್ರವಾಗಿ ಭಯವುಂಟು ಮಾಡುವಂತೆ ಬಳಸುವುದು ಅಥವಾ ಮಾಡುವುದು;
- (ಎಫ್) ದೇಹದೊಳಗೆ ಚುಚ್ಚಿಕೊಳ್ಳುವ ಕೊಕ್ಕೆಯಿಂದ ನೇತಾಡುವಂತಹ (ಸಿಡಿ) ಅಥವಾ ದೇಹದೊಳಗೆ ತೂರಿಸಿಕೊಂಡಿರುವ ಕೊಕ್ಕೆಯಿಂದ ರಥವನ್ನು ಎಳೆಯುವಂತಹ ಸ್ವ ದಂಡನೆಯಿಂದ ಗಾಯಗೊಳ್ಳುವ ಮತಾಚರಣೆಗಳನ್ನು ಆಚರಿಸುವಂತೆ ಒತ್ತಾಯಿಸುವುದು, ಹರಡುವುದು ಅಥವಾ ಅದಕ್ಕೆ ಅನುಕೂಲ ಕಲ್ಪಿಸುವುದು;
- (ಜಿ) ಮಕ್ಕಳ ಕಾಯಿಲೆಯನ್ನು ವಾಸಿ ಮಾಡುವ ಹೆಸರಿನಲ್ಲಿ ಅವರನ್ನು ಮುಳ್ಳುಗಳ ಮೇಲೆ ಅಥವಾ ಎತ್ತರದಿಂದ ಎಸೆಯುವ ಮೂಲಕ ಅವರನ್ನು ಹಾನಿಗೊಳಪಡಿಸುವಂತಹ ಆಚರಣೆಗಳನ್ನು ಒತ್ತಾಯಿಸುವುದು, ಹರಡುವುದು ಮತ್ತು ಅಂತಹ ವಾತಾವರಣವನ್ನು ಕಲ್ಪಿಸುವುದು;
- (ಎಚ್) ಮಹಿಳೆಯರ ವಿರುದ್ಧ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳು;-

- (i) ಋತುಮತಿಯಾದ ಅಥವಾ ಗರ್ಭಿಣಿ ಮಹಿಳೆಯರನ್ನು ಒತ್ತಾಯಪೂರ್ವಕವಾಗಿ ಒಂಟಿಯಾಗಿರಿಸುವುದು, ಗ್ರಾಮದೊಳಗೆ ಬಾರದಂತೆ ನಿಷೇಧಿಸುವುದು ಅಥವಾ ಬೇರೆ ಇರಿಸಲು ಅನುಕೂಲ ಕಲ್ಪಿಸುವುದು.
- (ii) ಸಮಾಜದ ದುರ್ಬಲ ವರ್ಗಗಳ ಮಹಿಳೆಯರ ಮೇಲೆ ಬಣ್ಣದ ನೀರನ್ನು ಎರಚುವ, ಓಕುಳಿ, ಮೂಲಕ ಅವರನ್ನು ಅವಮಾನಗೊಳಿಸುವುದು ಅಥವಾ ಅವರ ಘನತೆಗೆ ಧಕ್ಕೆಯುಂಟು ಮಾಡುವುದು.
- (iii) ಪೂಜೆ ಅಥವಾ ಇತರ ಯಾವುದೇ ಹೆಸರಿನಲ್ಲಿ ಅವರನ್ನು ಬೆತ್ತಲೆಯಾಗಿ ಪ್ರದರ್ಶಿಸುವುದು, ಉದಾಹರಣೆಗೆ ಬೆತ್ತಲೆ ಸೇವೆ ಅಂಥ ಅವಮಾನವೀಯ ಮತ್ತು ಅವಮಾನಗೊಳಿಸುವ ಆಚರಣೆಗಳಿಗೆ ಮಹಿಳೆಯರನ್ನು ಒಳಪಡಿಸುವುದು.
- (ಐ) ಗರ್ಭಿಣಿಯರನ್ನಾಗಿಸುವುದೂ ಸೇರಿದಂತೆ ಸಾಮಾಜಿಕ ಅಥವಾ ವೈಯಕ್ತಿಕ ಲಾಭವನ್ನು ಉಂಟು ಮಾಡುವ ಭರವಸೆಯೊಂದಿಗೆ ಅತಿಮಾನುಷ ಶಕ್ತಿಯನ್ನು ಆಹ್ವಾನಿಸುವ ಮೂಲಕ ಮಹಿಳೆಯರನ್ನು ಲೈಂಗಿಕವಾಗಿ ಶೋಷಣೆಗೆ ಒಳಪಡಿಸುವುದು;
- (i) ಸಾರ್ವಜನಿಕ ಆರೋಗ್ಯಕ್ಕೆ ಹಾನಿಯುಂಟು ಮಾಡುವಂಥ, ಕತ್ತನ್ನು ಕಚ್ಚುವ ಮೂಲಕ ಪ್ರಾಣಿಗಳನ್ನು ಕೊಲ್ಲುವ ಆಚರಣೆಗಳನ್ನು (ಗಾವು) ನೆರವೇರಿಸುವಂತೆ ಯಾರೇ ವ್ಯಕ್ತಿಯನ್ನು ಒತ್ತಾಯಿಸುವುದು;
- (ಜೆ) ಮಾನವ ಘನತೆಯನ್ನು ಉಲ್ಲಂಘಿಸುವಂತಹ ಮಡೆ ಸ್ನಾನ ಅಥವಾ ಸದೃಶ ಆಚರಣೆಗಳಿಗೆ ಅನುಕೂಲ ಕಲ್ಪಿಸುವುದು;
- (ಕೆ) ಮೂಢನಂಬಿಕೆಯ ಹೆಸರಿನಲ್ಲಿ ಜಾತಿ ಅಥವಾ ಲಿಂಗದ ಆಧಾರದ ಮೇಲೆ ತಾರತಮ್ಯ ಕಲ್ಪಿಸುವುದು;
- (i) ಪಾದರಕ್ಷೆಗಳನ್ನು ಅವನ/ ಅವಳ ತಲೆಯ ಮೇಲೆ ಒಯ್ಯುವ ಅವಮಾನಕರ ಆಚರಣೆಗಳನ್ನು ನೆರವೇರಿಸುವಂತೆ ಸಮಾಜದ ದುರ್ಬಲ ವರ್ಗಗಳಿಗೆ ಸೇರಿದ ಯಾರೇ ವ್ಯಕ್ತಿಯನ್ನು ಒತ್ತಾಯಿಸುವುದು;
- (ii) ಆಹಾರ ವಿತರಣೆ ಮಾಡುವಾಗ ಜಾತಿಯ ಆಧಾರದ ಮೇಲೆ ಪಂಕ್ತಿ ಬೇಧ ಮಾಡುವಂತಹ ಆಚರಣೆಗಳನ್ನು ಮಾಡುವುದು;
2. ಈ ಮುಂದಿನ ಅಪರಾಧಗಳು ಸಂಜ್ಞೇಯವಲ್ಲದ ಅಪರಾಧಗಳಾಗಿರತಕ್ಕದ್ದು:-
- (ಎ) (i) ಯಾರೇ ವ್ಯಕ್ತಿಯ ಜನನದ ಸಮಯ, ಸ್ಥಳದ ಆಧಾರದ ಮೇಲೆ ಅವನಿಗೆ ಕಳಂಕ ಹಚ್ಚುವುದಕ್ಕೆ ಅಥವಾ ಅವನನ್ನು ತೆಗಳುವುದಕ್ಕೆ;
- (ii) ಭವಿಷ್ಯವಾಣಿ ನಿಜವಾಗುತ್ತದೆಂದು ನಂಬಿಸಿ ಅವಮಾನಕರ ಆಚರಣೆಗಳನ್ನು ವ್ಯಕ್ತಿಗಳಿಂದ ಮಾಡಿಸುವುದಕ್ಕೆ, ಅಥವಾ
- (iii) ವ್ಯಕ್ತಿಗಳಿಗೆ ತೀವ್ರ ಹಣಕಾಸು ನಷ್ಟ ಉಂಟಾಗುವುದಕ್ಕೆ

ಕಾರಣವಾಗುವ ಹಾನಿಕರ ಭವಿಷ್ಯ ನುಡಿಯುವುದು

- (ಬಿ) ಜ್ವಾಲೆಯನ್ನು ಬರೀ ಕೈಗಳಿಂದ ಮುಟ್ಟುವಂತೆ ಒತ್ತಾಯಿಸುವ ರೀತಿಯ ದೈಹಿಕ ಅಥವಾ ಮಾನಸಿಕ ಹಾನಿಗೆ ಒಳಪಡಿಸುವ ಮೂಲಕ ಮಾಡುವ ಯಾರೇ ವ್ಯಕ್ತಿಯ ಅಪರಾಧವನ್ನು ಅಥವಾ ನಿರಪರಾಧಿತ್ವವನ್ನು ಘೋಷಿಸುವುದು;

### ಉದ್ದೇಶಗಳು ಮತ್ತು ಕಾರಣಗಳ ಹೇಳಿಕೆ

- 1 ಸಾಮಾನ್ಯ ಜನತೆಗೆ ವಿಶೇಷವಾಗಿ ಸಮಾಜದ ದುರ್ಬಲ ವರ್ಗಗಳಲ್ಲಿ ತೀವ್ರ ಹಾನಿಯುಂಟುಮಾಡುವ ಮತ್ತು ಅವರ ಶೋಷಣೆಗೆ ಕಾರಣವಾಗುವ ಮೂಢನಂಬಿಕೆಗಳು ಅತಿ ಹೆಚ್ಚಿನ ಸಂಖ್ಯೆಯಲ್ಲಿ ರಾಜ್ಯದಾದ್ಯಂತ ಹರಡಿದೆ. ಮಾನವ ಘನತೆಗೆ ಧಕ್ಕೆಯುಂಟು ಮಾಡುವ ಅಘೋರಿ, ಮಡೆ ಸ್ನಾನ, ಬೆತ್ತಲೆ ಸೇವೆ ಅಂಥ ಇತರ ಆಚರಣೆಗಳು ವ್ಯಾಪಕವಾಗಿ ಜಾರಿಯಲ್ಲಿದೆ. ಅದರ ಜೊತೆಗೇ ಬಲಿಯಾದವರ ಆರ್ಥಿಕ ಶೋಷಣೆಗೆ ಮತ್ತು ಮಾನಸಿಕ ಕ್ಷೋಭೆಗೆ ಕಾರಣವಾಗುವ ಅನೇಕ ರೀತಿಯ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳು ನಗರ ಹಾಗೂ ಗ್ರಾಮೀಣ ಪ್ರದೇಶಗಳಲ್ಲಿ ರೂಢಿಯಲ್ಲಿವೆ. ಕಾನೂನಿ ನಿಯಮವು ಅನ್ವಯಿಸುವ ನಾಗರಿಕ ಸಮಾಜದಲ್ಲಿ ಅಂಥ ಆಚರಣೆಗಳಿಗೆ ಸ್ಥಾನವಿಲ್ಲ.
- 2 ಘನತೆಯಿಂದ ಜೀವಿಸುವ ಹಕ್ಕು ಭಾರತದ ಸಂವಿಧಾನದ 21ನೇ ಅನುಚ್ಛೇದದಿಂದ ಕೊಡಲಾಗಿರುವ ಮತ್ತು ಭಾರತದ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಅನೇಕ ತೀರ್ಪುಗಳಲ್ಲಿ ಪುಷ್ಟಿಗೊಂಡಿರುವ ಮೂಲಭೂತ ಹಕ್ಕು. ಅಂಥ ಆಚರಣೆಗಳು ವ್ಯಾಪಕವಾಗಿ ಜಾರಿಯಲ್ಲಿರುವುದರಿಂದ ಅಂಥ ಹಕ್ಕು ಸಂಪೂರ್ಣವಾಗಿ ಉಲ್ಲಂಘನೆಯಾಗುತ್ತಿದೆ. ಅಲ್ಲದೆ, ಎಲ್ಲ ವ್ಯಕ್ತಿಗಳು ಮನಃಸಾಕ್ಷಿ ಮತ್ತು ನಂಬಿಕೆಗಳನ್ನು ಹೊಂದಿರುವ ಸ್ವಾತಂತ್ರ್ಯವನ್ನು ಹೊಂದಿರಲು ಹಕ್ಕುಳ್ಳವರಾಗಿದ್ದರೂ ಕೆಲವು ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳು ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆ, ನೈತಿಕತೆ ಹಾಗೂ ಆರೋಗ್ಯದ ಮೇಲೆ ದುಷ್ಪರಿಣಾಮ ಬೀರುತ್ತಿವೆ. ಇಂಥ ಅನೇಕ ಇತ್ತೀಚಿನ ಪ್ರಕರಣಗಳು ಬೆಳಕಿಗೆ ಬಂದಿರುವುದರಿಂದ, ಈ ರೀತಿಯ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳಿಂದಾಗುವ ದುಷ್ಪರಿಣಾಮಗಳ ಬಗ್ಗೆ ಅರಿವು ಮೂಡಿಸುವುದರ ಜೊತೆಗೆ ಅಂಥ ಆಚರಣೆಗಳನ್ನು ನಿರ್ದಿಷ್ಟವಾಗಿ ಅಪರಾಧಗಳೆಂದು ಗುರುತಿಸುವುದು ಅನಿವಾರ್ಯವಾಗಿದೆ. ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ತಡೆ ವಿಧೇಯಕ, 2013 ಈ ಉದ್ದೇಶಗಳನ್ನು ಸಾಧಿಸ ಬಯಸುತ್ತದೆ.
- 3 ತಮಗಿದೆಯೆನ್ನಲಾಗುವ ಅತಿ ಮಾನಷ ಶಕ್ತಿಯನ್ನು ಆಹ್ವಾನಿಸಿ ಇತರ ವ್ಯಕ್ತಿಗಳ ಕಾಯಿಲೆಯನ್ನು ಗುಣಪಡಿಸುವ ಅಥವಾ ಲಾಭವುಂಟು ಮಾಡುವ ಭರವಸೆ ನೀಡಿ ಅಥವಾ ಪ್ರತಿಕೂಲ ಪರಿಣಾಮ ಉಂಟಾಗುತ್ತದೆಂದು ಹೆದರಿಸಿ ಇತರರಿಗೆ ತೀವ್ರತರವಾದ ದೈಹಿಕ ಅಥವಾ ಮಾನಸಿಕ ಹಾನಿಯುಂಟು ಮಾಡುವ, ಅವರನ್ನು ಆರ್ಥಿಕವಾಗಿ ಅಥವಾ ಲೈಂಗಿಕವಾಗಿ ಶೋಷಿಸುವ ಅಥವಾ ಅವರ ಮೂಲಭೂತ ಘನತೆಗೆ ಘಾಸಿಯುಂಟುಮಾಡುವ ಕೆಲವು ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಉತ್ತೇಜನೆ, ಪ್ರಸಾರ ಅಥವಾ ನಡೆಸುವುದನ್ನು ಈ ವಿಧೇಯಕ ನಿರ್ದಿಷ್ಟ ಅಪರಾಧವನ್ನಾಗಿಸಲು ಉದ್ದೇಶಿಸುತ್ತದೆ. ಅಂಥ ಅಪರಾಧವನ್ನು ಎಸಗಿದವರಿಗೆ ಕಠಿಣ ಶಿಕ್ಷೆ ನೀಡುವುದರಿಂದ ಖಚಿತವಾಗಿ ಭಯ ಮೂಡಿಸುತ್ತದೆ ಮತ್ತು ಆ ಮೂಲಕ ಅವು ಮತ್ತೆ ಮರುಕಳಿಸದಂತೆ ತಡೆದು ಅವನ್ನು ನಿಧಾನವಾಗಿ ನಿರ್ಮೂಲನೆ ಮಾಡುವುದು ಸಾಧ್ಯವಾಗುತ್ತದೆ.
- 4 ಅದರ ಜೊತೆಗೆ ಅಂಥ ಆಚರಣೆಗಳಿಂದಾಗುವ ದುಷ್ಪರಿಣಾಮಗಳ ಬಗ್ಗೆ ಸಾಮಾನ್ಯ ಜನತೆಗೆ ತಿಳಿವಳಿಕೆ ಮೂಡಿಸುವುದೂ ಅಗತ್ಯ, ಮತ್ತು ಅಂಥ ಘಟನೆಗಳು ಸಂಭವಿಸಿದಾಗ, ಅವುಗಳನ್ನು ವರದಿ ಮಾಡಲು ಒಂದು ವೇದಿಕೆ ಹೊಂದಿರುವುದೂ ಅಷ್ಟೇ ಅಗತ್ಯ. ಆದ್ದರಿಂದ, ಅಧಿನಿಯಮದ ಒಟ್ಟಾರೆ ಜಾರಿಯನ್ನು ಖಚಿತಗೊಳಿಸುವುದಕ್ಕೆ ಜವಾಬ್ದಾರವಾಗಿರುವ ರಾಜ್ಯ

ಮಟ್ಟದ ನೋಡಲ್ ಪ್ರಾದೀಕಾರವಾದ ಕರ್ನಾಟಕ ಮೂಢನಂಬಿಕೆ ವಿರೋಧಿ ಪ್ರಾಧಿಕಾರವನ್ನು ಸ್ಥಾಪಿಸಲು ವಿಧೇಯಕ ಉದ್ದೇಶಿಸುತ್ತದೆ. ಜಿಲ್ಲಾ ಮಟ್ಟದಲ್ಲಿ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ಬಗೆಗಿನ ಜಾಗೃತ ಸಮಿತಿಗಳು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಪೂರಕವಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತವೆ. ಇವು ದೂರುಗಳನ್ನು ಸ್ವೀಕರಿಸಬಹುದು, ಕುಂದು ಕೊರತೆಗಳನ್ನು ನಿವಾರಿಸಬಹುದು, ತನಿಖೆ ಮತ್ತು ನ್ಯಾಯಿಕ ವ್ಯವಹಾರಗಳಲ್ಲಿ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಿರುವ ಪೊಲೀಸರಿಗೆ ನೆರವು ನೀಡಬಹುದು, ತಾನೇ ಸ್ವತಃ ಸೂಕ್ತ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳಬಹುದು ಮತ್ತು ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ದುಷ್ಪರಿಣಾಮಗಳ ಬಗ್ಗೆ ಜನರಲ್ಲಿ ಅದರಲ್ಲೂ ಸಮಾಜದ ದುರ್ಬಲ ವರ್ಗದವರನ್ನು ಸಂವೇದನಾಶೀಲರನ್ನಾಗಿಸಲು ತಿಳಿವಳಿಕೆ ಮತ್ತು ಅರಿವು ಮೂಡಿಸುವ ಆಂದೋಲನಗಳನ್ನು ಕೈಗೊಳ್ಳಬಹುದು.

- 5 ಹೀಗೆ, ಈ ವಿಧೇಯಕ, ಭಾರತದ ಸಂವಿಧಾನದ 51ಎ(ಎಚ್) ಅನುಚ್ಛೇದದ ಅಡಿಯಲ್ಲಿ ಪ್ರತಿಯೊಬ್ಬ ನಾಗರಿಕನ ಮೂಲಭೂತ ಕರ್ತವ್ಯವಾಗಿರುವ ವೈಜ್ಞಾನಿಕ ಮನೋಧರ್ಮ, ಮನವಾಸಕ್ತಿ ಮತ್ತು ವಿಚಾರಿಸುವ ಹಾಗೂ ಸುಧಾರಿಸುವ ಸ್ವಭಾವವನ್ನು ಬೆಳೆಸಲು ಸಾಧ್ಯವಾಗುವಂತೆ ಮಾಡುತ್ತದೆ. ಜೊತೆ ಜೊತೆಯಲ್ಲೇ, ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳು ಮುಂದುವರಿಯದಂತೆ ತಡೆಗಟ್ಟುವ ಮೂಲಕ, ಭಾರತದ ಸಂವಿಧಾನದ ಅಡಿಯಲ್ಲಿ ಕೊಡಲಾಗಿರುವ ಘನತೆಯ ಜೀವನವನ್ನು ಸಾಗಿಸಲು ಸಾಧ್ಯವಾಗಿಸುತ್ತದೆ.
- 6 ವಿಧೇಯಕವು ಮೇಲಿನ ಉದ್ದೇಶಗಳನ್ನು ಸಾಧಿಸಲು ಬಯಸುತ್ತದೆ



## **Constitutional and Legal Jurisprudence: Background Research**

### **Constitutional Analysis of the Bill, 2013**

This note will examine the Constitutional basis for the Karnataka Prevention and Abolition of Superstitious Practices Bill, 2013 (hereinafter “the Draft Bill”). This note will necessarily take into account two areas that the Draft Bill will need to address, namely the legislative competence of the State of Karnataka to enact such a law and the Constitutional limits of Part III. The first part of this Note will analyze the legislative competence of the Karnataka State Legislative Assembly and the second part will analyze the Draft Bill from the perspective of Fundamental Rights contained in Part III of the Constitution and Directive Principles of State Policy contained in Part IV of the Constitution.

### **I. Legislative Competence**

Since we are concerned with a State legislation, in accordance with Article 246(2) and (3) the subject matter of the legislation in question will have to be found either in List II or List III of the Seventh Schedule of the Constitution. If the subject matter of the legislation is not found in these two Lists, the legislation will be ultra vires and beyond the power of the State Government to enact. It is also well-established law that the entries themselves are not the sources of power but an enumeration of the subject matter on the basis of which law may be made by the concerned legislation, in this case, the Legislative Assembly of the State of Karnataka.

#### **A. Source of legislative power**

To determine the source of legislative powers, it is necessary to examine what the pith and substance of the legislation is. The pith and substance of a law is determined with reference to the main clauses of the legislation, the statement of objects and reasons and the long title of the legislation. Once the subject matter of the legislation is appropriately examined it then needs to be seen whether the said subject matter is within List II or List III

The Act in its entirety is concerned with the prevention of superstitious practices that are harmful, exploitative and offensive to human dignity with a view to eradicate them. In view of this object, it penalizes such harmful superstitious practices, establishes the Karnataka Anti-Superstition Authority at the state level and Vigilance Committees on Superstitious Practices at the district level to

ensure such prevention, extend protection to those who expose the ill-effects of superstitious practices and create awareness regarding such effects.

It can be safely said therefore that the pith and substance of this legislation is “superstitious practices” as defined in the Draft Bill itself. On the face of it, the legislation seeks to deal with certain practices and criminalize not only the practice itself but also the promotion and propagation of such practice.

Although no entry in List II or List III of the Seventh Schedule specifically deals with “superstitious practices”, the pith and substance of the legislation actually lies in Entry 1 of List III, that is to say, criminal law. The acts being criminalized under the present legislation would, in one form or the other, constitute an offence under the Indian Penal Code. The offences listed out in the Schedule to the present legislation are already punishable in some form under the Indian Penal Code, but the Legislative Assembly of Karnataka has, for the reasons given in the Statement of Objects and Reasons, taken the view that the said acts, when committed in the context of a “superstitious practice” should attract a higher penalty.

It is therefore clear that the Karnataka Legislative Assembly has legislative competence to enact the Anti-Superstition Bill.

## **B. Repugnancy**

Where the source of power to legislate for a State is found in List III, Article 254 also comes into the picture to determine whether the law in question is likely to be contrary to a Central law on the subject. A State law contrary to the Central law, i.e., repugnant, would be unconstitutional to the extent of repugnancy. However, such a law may be saved if it receives the approval of the President of India, notwithstanding such repugnancy.

In order to be declared repugnant, a State law needs to conflict with a Central law in a manner such that the two cannot stand together or that both cannot be obeyed without breaking the other.

While repugnancy will have to be established by the person alleging the same, as a matter of abundant caution, a challenge may be easily pre-empted by the Governor referring the Bill to the President for his sanction under clause (2) of Article 254. With the sanction of the President, even a State law which is repugnant to a Central law will be valid and operational and prevail over the Central Law.

## **II. Part III and Part IV**

In appreciating the scope of Part III of the Constitution, Part IV must be given equal weight. The provisions of Part III and Part IV must be interpreted harmoniously to allow the State to enact legislation which seeks to implement the goals outlined in Part IV but at the same time ensure that the means used in reaching the goals do not violate Part III of the Constitution. The fundamental rights guaranteed under Part III are also not absolute but restrictions may be imposed by the State on certain bases, including the attainment of the Constitutional goals outlined in Part IV.

The Statement of Objects and Reasons of the Anti-Superstition Bill, along with a survey of the key provisions of the same would show that the legislation has been enacted to further the Directive Principles contained in Article 38 and Article 47 of the Constitution. By putting an end to exploitative and misleading superstitious practices, the State Government seeks to bring about a more just social order and at the same time, improve the level of public health by discouraging superstitious practices which claim to provide magical remedies.

It may also be pointed out here that under clause (h) of Article 51-A, it is the fundamental duty of every citizen to develop a scientific temper and promote humanism, through the spirit of inquiry and reform. While Fundamental Duties are not enforceable in a Court of law, they can nonetheless inform legislation being made by the State.

### **A. Freedom of religion**

Apart from the principle of secularism being part of the basic structure of the Constitution, the right to freedom of religion and faith is also enshrined under Articles 25 and 26 of the Constitution that also lay out the basis of restrictions that may be imposed on the freedom. Whereas Article 25 deals with the individual's rights to freedom of religion, Article 26 deals with the rights of a religious denomination.

The freedom of religion however, cannot extend to undertake harmful and exploitative practices - what is morally repugnant can never be religiously sanctioned, a principle that was recognized by the Bombay High Court as far back as 1862 in the famous Maharaja Libel case. To that extent therefore, the harmful and exploitative practices being prohibited under the Anti-Superstition Bill cannot in any way be characterized as a restriction on the Freedom of Religion.

## **B. Freedom of speech**

As the Bill also restricts propagation and promotion of “superstitious practices” by making them criminal offences, it would have to be examined whether or not this would amount to a violation of the right to freedom of speech guaranteed under the Constitution.

Wilful misrepresentation of facts and exhortation to commit crimes cannot possibly fall within the ambit of freedom of speech and expression. To that extent, where the law punishes propagation and promotion of superstitious practices, the Anti-Superstition Bill does not at all restrict freedom of speech and expression since the freedom of speech and expression cannot extend to the wilful promotion and propagation of exploitative practices or the commission of crimes. It is not even necessary, therefore, to examine whether or not the restriction would be “reasonable” for the purposes of clause (2) of Article 19.

## **Indian Jurisprudence in Support of Anti-superstition Legislation**

### **Constitutional and legislative guidance**

Article 51A(h) of the Constitution makes it a fundamental duty for all citizens to develop ‘the scientific temper, humanism and the spirit of inquiry and reform’. In a country where harmful superstitious practices are widespread, this fundamental duty is of critical importance. Over the decades, both the courts and the legislature have acted multiple times to combat the evils of superstition. Thus, widespread jurisprudence may be found in the Indian context that supports the enactment of an overarching legislation by the State government to hasten the eradication of harmful superstitious practices.

Harmful practices in the name of cultural tradition have been the subject of several pieces of legislation, including the banning of the practice of *sati* in 1829. Following the persistence of incidents of *sati* despite the ban, the Parliament passed the Commission (Prevention) of Sati Act, 1987. The Act in its Statement of Objects and Reasons stated that the practice of *sati* was not enjoined by any religion, and it punished not only the abetment of the practice but also its support or propagation in any manner. The banning of *sati* may be seen as one of the earliest legislative interventions to stop a harmful superstitious practice.

Other Central legislation addressing harmful superstitions includes the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954. Its Statement of Objects and Reasons stated that it was an Act to “control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic utilities and to provide for matters connected therewith.” Apart from banning misleading drug advertisements and advertisement of certain categories of drugs, the Act also prohibited the advertisement of magic remedies with respect to any of the diseases mentioned in the Schedule. Magic remedies for the purposes of the Act included any talisman or charm that was alleged to possess miraculous powers for treatment or prevention of a disease. The Schedule is wide in its ambit and mentions most of the diseases prevalent in India. The advertisement of drugs claiming to have supernatural healing forces, therefore, are banned in India. The Act is little enforced, however, which contributes to the need for comprehensive legislation that tackles these issues.

The harmful consequences of propagation of superstitious beliefs through the media have also been addressed by the legislature. The Cable Television Networks (Regulation) Act, 1995 states that transmission or re-transmission of all programmes have to be in conformity with the Programme Code. Rule 6 of the Cable Television Networks Rules, 1994 contains the Programme Code. It states that no programme should be carried in the cable service that, *inter alia* “encourages superstition or blind belief”. Contravention of this provision may lead to imprisonment of up to 2 years for a first time offender.

When it comes to state laws, several states have legislated to address the practice of witch-hunting. In witch-hunting, women who are identified as witches are blamed for any ill-luck that has befallen the community. Women who challenge authority or own property are especially targeted. They are then humiliated, tortured or killed. According to the National Crime Records Bureau this has claimed the lives of over seven hundred women in the last five years. States to have passed laws banning the practice include Bihar, Jharkhand, Chhatisgarh, and Orissa.

The Jharkhand law, for example, states that its object is to prevent the identification of a woman as a witch and the subsequent harm caused to her. It criminalizes abetment, conspiracy, aid or instigation in the identification of a woman as a witch leading to her mental and physical torture or humiliation. Identification can lead to imprisonment of up to three months while torture can

lead to six months of imprisonment. The sentences prescribed are low, however, when compared to equivalent general offences under the Indian Penal Code such as assault or grievous hurt.<sup>1</sup>

In Maharashtra, the legislature has recently promulgated an ordinance to address harmful superstitious practices, and is working to pass a Bill currently titled the Maharashtra (Eradication of Black Magic, Evil and Aghori Practices) Bill, 2005. This has been envisaged as a piece of criminal legislation to criminalize the widespread practice of black magic and other superstitious practices that result in the mental, financial and physical exploitation of people. Sentences of up to seven years are prescribed in the ordinance. A number of other states are contemplating the introduction of such an Act, and there have been calls for a national law as well.

In Karnataka specifically, several pieces of legislation address harmful superstitious practices, including the Karnataka Prevention of Animal Sacrifices Act, 1959 that penalizes animal sacrifices in or within the precincts of any place of any place of public religious worship. The Karnataka *Devadasis* (Prohibition of Dedication) Act, 1982 addresses the social evil caused by the practice of dedication of women as *devadasis* in places of worship that exists in certain parts of Karnataka. The Karnataka Koragas (Prohibition of Ajalu Practice) Act, 2000 seeks to prohibit superstitious practices that offend the human dignity of the Koraga community who are subject to humiliating and discriminatory practices in certain areas of Karnataka.

Thus, there are numerous laws in the country that have paved the way towards the introduction of an act to eradicate harmful superstitious practices in the state of Karnataka. Attempts have also been made before to enact a national law in this regard, through the introduction of a Private Member's Bill in the Rajya Sabha entitled the Prevention of Dreadful Superstitious Practices Bill, 2011.

## Judicial pronouncements

A range of Supreme Court and High Court judgments have called attention to the evils of superstition and highlighted the importance of Art. 51A(h).

In *Hulikal Nataraju v. State of Karnataka*<sup>2</sup> a prominent rationalist conducted programs exposing fraudulent godmen. He stated in a TV program that certain

---

1 Brief by Cornell University Law School submitted to the High Court of Jharkhand, available at <http://www.lawschool.cornell.edu/Clinical-Programs/international-human-rights/upload/-1-Witch-Hunt-Brief-2.pdf>

2 W.P. No. 1750/2008, decided on 13.09.2010

phenomenon such as the light appearing on makara sankranti was false. A complaint was lodged against him under S. 298 of the Indian Penal Code stating that he had wounded Hindu religious beliefs, and the rationalist submitted a quashing petition before the Karnataka High Court. In the decision granting the petition, Justice Nagamohan Das said that even if the entire contents of the complaint were taken to be true, it did not constitute an offence under S. 298. He traced the longstanding traditions of rationalist thinking in India, and said that the freedom of speech and expression included the freedom to criticize.

The judgment also discusses the evils of superstition, which it characterizes as a blind belief of faith not based on reason, knowledge or experience. While the daily lives of many Indians are governed by superstitions, there are some that are “violent, dangerous, destructive, harmful and inhuman”. The judgment cites examples of human sacrifice and witchhunting, and goes on to say:

The greatest damage done by these harmful superstitions is that they deflect attention from the primary cause and lead to defeatist attitude of helpless acceptance. They stand in the way of unearthing the root cause and undertaking adequate remedial steps. They made the ignorant people weak and driven them for mental laziness. They deprived the people of all grandeur and historical energies. They subjected man to external circumstances, instead of elevating man to be the sovereign of circumstances. They transformed a self-developing social state into never changing natural destiny. These superstitions are perpetuating and promoting exploitation, slavery, untouchability, inferiority complex, superiority complex, caste, creed, gender and varna based inequalities. They became instruments in the hands of few to exploit, cheat and deceive the ignorant people.

Justice Das talks about the importance of education and economic development in the eradication of superstitions, and refers to the duty in Art. 51A(h) to develop a scientific temper and spirit of enquiry.

Similarly, the case of *Nirmaljit Singh Narula v. Yashwant Singh*<sup>3</sup> was a defamation case in which the plaintiff was a Godman and the defendants were the authors of allegedly defamatory articles against him that had received widespread attention. The judgment of the Delhi High Court spoke at length about fraudulent godmen and ‘babas’:

---

3 I.A. No.10017/ 2012 in CS(OS) 1518/2012, decided on 14.9.12

... the mystical sadhus and the Godmen have not left the picture, the difference may be that some of the sadhus travel by a private jet and have a turnover worth crores making even the business tycoons feel jittery... The God Market that has come about in India has struck a chord abroad and the Babas and saints, innumerable and diverse have a tutelage they boast of including a nobody to a celebrity. ... anyone who can claim to heal or provide a shortcut to alleviate their pain and suffering occupies the stature of God in their lives

About the presence of godmen on broadcast networks, the court said that “The spiritual Babas and Sadhus who have entered into our lives through the electronic media and other websites are no exception to the said self-restraint norms and regulations.” The court granted a conditional injunction whereby the respondents were restrained from publishing about the plaintiff as long as the plaintiff refrained from giving “absurd and illogical solutions”.

Another set of decisions that have touched upon the evils of superstition deal with the practice of witch-hunting. In *Sashiprava Bindhani v State of Orissa*,<sup>4</sup> the petitioner prayed for the state government to issue directions to deal with witch-hunting and protect women from witch-hunting

The court looked at studies on the practice and said that a lot of suffering had been caused by this superstition, which also has been used as a tool for exploitation of poor villagers. The implicit belief of a number of public officials in the practice had also been responsible for its continued prevalence.

The Court accordingly issued guidelines for the eradication of witch-hunting and the protection of women until suitable legislation could be formed. *Inter alia*, the guidelines included preventive steps to stop the spread of these harmful superstitions, such as public awareness programmes and health camps.

The question of the effects of superstition in society has also arisen in a series of criminal cases involving human sacrifice. The question has been whether murder under the influence of a blind belief is grounds for commuting the sentence, or whether the heinousness of the crime justifies the death penalty.

In *Sushil Murmu v State of Jharkhand* the accused had decapitated a child for the purpose of sacrifice. The Supreme Court upheld the death penalty, observing that: “...Superstition is

---

4 W. P. (C). Nos. 17638 of 2011 and 6287 of 2012

5 2004 (2) SCC 338



*a belief or notion, not based on reason or knowledge, in or of the ominous significance of a particular thing or circumstance, occurrence or the like but mainly triggered by thoughts of self aggrandizement and barbaric at times as in the present case. Superstition cannot and does not provide justification for any killing, much less a planned and deliberate one. No amount of superstitious colour can wash away the sin and offence of an unprovoked killing, more so in the case of an innocent and defenceless child.”*

In *State of Delhi v. Jitender*,<sup>6</sup> the accused had killed his father in order to propitiate a goddess. The High Court looked at the precedents and said that there was no symmetry in the approach when killing happened as a result of superstitious practices. If it was particularly brutal as in *SushilMurmu* the death penalty was upheld, on the other hand in *Damu S/o Gopinath Shinde*<sup>7</sup> and *Kalpana Mazumdar*<sup>8</sup>, both of which involved sacrificing of human children, the court held that as the murders were committed out of blind belief the death penalty was not warranted.

The court spoke about the widespread nature of superstitious practices, which it attributed to widespread illiteracy. The court believed that “to rational minds, rooted in value systems which underscore the need to maintain order, familial and social bonds, such practices would not appeal and would be abhorrent.” However, given the nature of the blind belief, the Court commuted the sentence to life imprisonment.

In *State of U.P. v. Sabrunnisa*<sup>9</sup>, which also involved murder under the belief that the victim was possessed by an evil spirit, the Supreme Court said that superstition was not restricted to any particular religion or a particular section of society, rather it was the bane of Indian society as a whole. The court spoke of the number of lives that are lost and families destroyed because of false belief in black magic and supernatural powers.

A survey of cases relating to superstition reveals the extent of the damage that harmful superstitious practices can cause. There is ample evidence in our case law, therefore, to support the enactment of legislation for the criminalization of harmful superstitious practices and the spread of awareness of the evils caused by such practices.

---

6 Death Sentence Ref. 1/2011, Cr. A. 912/2011, decided on 21.02.13

7 2000 (6) SCC 269

8 (2002) 6 SCC 536 2002

9 (2009) 15 SCC 452

## International and Comparative Law on Superstitious Beliefs

### International instruments

In international law, prohibitions against superstitious beliefs are usually found in instruments, declarations and general comments that want to eliminate “harmful practices” justified or perpetuated by culture, tradition, and/or superstition. The focus of these instruments is usually practices that cause harm to, or have an adverse impact on, groups that are considered “vulnerable”, such as, women, children, sexual and gender minorities, and indigenous populations.

These instruments have their source in treaty obligations that protect health, physical and mental integrity, and equality; and prohibit discrimination, violence and exploitation.<sup>10</sup> For example, in its General Recommendation No. 24 on women’s health, the CEDAW Committee said that “Some cultural or traditional practices such as female genital mutilation also carry a high risk of death and disability ... State parties should ensure [the] enactment and effective enforcement of laws that prohibit female genital mutilation”.<sup>11</sup> International instruments contain similar prescriptions against other harmful superstitious practices like polygamy,<sup>12</sup> son preference,<sup>13</sup> dietary restrictions for pregnant women,<sup>14</sup> etc.

In some situations, international bodies also recognize that, while beliefs and practices based on superstition, culture and tradition may not cause physical or mental harm, they negatively impact the enjoyment of other human rights and therefore must be prohibited. So, for example, CEDAW General Comment 23 on participation in political and public life asks States to “Provide details of any restrictions to [these] rights, whether arising from legal provisions or from traditional, religious or cultural practices”.<sup>15</sup>

These norms have been applied specifically to the situation in India. For example, in 2008, when the Committee on Economic, Social and Cultural Rights reviewed India’s report under the CESCR, it said

---

10 These norms are protected in several international instruments, most of which India has ratified, including the ICCPR, the ICESCR, the CEDAW, and the CRC.

11 <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

12 CEDAW General Comment 14 on health

13 CEDAW General Comment 19 on violence against women

14 CEDAW General Comment 19 on violence against women

15 <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

The Committee is deeply concerned about the lack of progress achieved by the Stateparty in eliminating traditional practices and provisions of personal status laws that are harmful and discriminatory to women and girls, including sati, devadasi, witch-hunting, child marriages, dowry deaths and honour killings.<sup>16</sup>

## Selected Domestic Laws

Many countries, particularly those with a British or French colonial history, have laws in place to “suppress” or “criminalise” the practice of certain superstitious beliefs, particularly witchcraft. The template legislation for many of these laws is the British Witchcraft Acts. Secondary literature suggests a distinction between the witchcraft laws of countries which were British and French colonies: while French colonies only ban the practice of witchcraft, British colonies prohibit the practice of witchcraft, accusing someone of witchcraft or representing oneself as a witch.<sup>17</sup>

### 1. South Africa

**Relevant Law:** Witchcraft Suppression Act, 1957, which was amended by the Witchcraft Suppression Amendment Act, 1970.<sup>18</sup>

This act tries to “suppress” the practice of witchcraft and “similar practices” by, amongst other things, making it an offence to claim to practice certain types of witchcraft for gain, and to accuse someone of being a witch / wizard.

However, the government is currently in the process of reviewing this law.<sup>19</sup>

### 2. Zimbabwe

**Relevant Law:** Witchcraft Suppression Act<sup>20</sup>

The original witchcraft suppression law in Zimbabwe was based on the equivalent British law, but was amended in 2006. New provisions include:

---

16 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/436/08/PDF/G0843608.pdf?OpenElement>

17 [http://www.leitnercenter.org/files/Photos\\_Clinic/Witchcraft%20Accusations.pdf](http://www.leitnercenter.org/files/Photos_Clinic/Witchcraft%20Accusations.pdf)

18 <http://www.justice.gov.za/legislation/acts/1957-003.pdf>

19 <http://www.paganrightsalliance.org/review-of-witchcraft-suppression-act-update/> - for commentary on the ongoing review

20 Unable to find original text, but this article quotes sections of the amendment - <http://wwwrn.org/articles/21496/?&place=africa&section=legislation>

“Whoever accuses a person of witchcraft means to indicate that the person (is possessed by a spirit or) used non-natural means (witch-finding) to cause death, injury, disease or inability in any person.”

“Any person who engages in any practice knowing that it is commonly associated with witchcraft, shall be guilty of engaging in a practice commonly associated with witchcraft if having the intention to cause harm to any person”.

“Such practice inspires in the person against whom it was directed, a real fear or belief that harm will occur to that person or any member of his or her family, and be liable to a fine not exceeding level ten or imprisonment for a period not exceeding five years or both”.

### 3. Malawi

**Relevant Law:** The Witchcraft Act 1911

Under this law, it is an offence to allege that someone practices witchcraft, or claim that one practices witchcraft oneself. According to the Law Commission in Malawi, courts generally do not convict in cases where it is shown that no harm was caused as a result of the “witchcraft”.<sup>21</sup>

As of 2011, the Malawian government was looking to amend this law.

Similar laws also exist in many other African countries including Kenya, Uganda, Tanzania, DRC, and Cameroon.

### 4. Indonesia

Media reports from 2013 say that new amendments to the criminal code have been proposed which seek to criminalise the practice of “black magic”.

According to one report, “Article 293 Paragraph 1 of the draft bill stipulates that a person who declares himself to have magic powers can face a maximum of five years in prison or pay a maximum of Rp 300 million (US\$30,969) in fines. The same applies to those who inform, encourage or offer such magic services to others”.<sup>22</sup> Another report said “Under the revised code, those found guilty of using black magic to cause “someone’s illness, death, mental or physical

---

21 Report by the Law Commission in Malawi does a good summary - [http://www.lawcom.mw/docs/ip\\_witchcraft.pdf](http://www.lawcom.mw/docs/ip_witchcraft.pdf)

22 <http://www.thejakartapost.com/news/2013/04/04/practitioners-reject-black-magic-articles-criminal-code.html>

suffering,” face up to five years in jail or Rp 300 million (\$31,000) in fines. The penalties can be increased by a third if the sorcerer offered to perform a spell for compensation, the Criminal Code read. It is also illegal to claim you have dark magical powers in the first place. Good or “white” magic is still legal under the revised code”.<sup>23</sup>

## 5. Papua New Guinea

A few months ago, PNG repealed its sorcery laws, which “criminalized the practice of sorcery and recognized the accusation of sorcery as a defense in murder cases”.<sup>24</sup>

## 6. United Kingdom

The Fraudulent Mediums Act, 1951 (UK) replaced the Witchcraft Act, and said as follows:<sup>25</sup>

- (1) *Subject to the provisions of this section, any person who—*
  - (a) *with intent to deceive purports to act as a spiritualistic medium or to exercise any powers of telepathy, clairvoyance or other similar powers, or*
  - (b) *in purporting to act as a spiritualistic medium or to exercise such powers as aforesaid, uses any fraudulent device, shall be guilty of an offence.*
- (2) *A person shall not be convicted of an offence under the foregoing subsection unless it is proved that he acted for reward; and for the purposes of this section a person shall be deemed to act for reward if any money is paid, or other valuable thing given, in respect of what he does, whether to him or to any other person.*
- (3) *A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.*

---

23 <http://www.thejakartaglobe.com/news/indonesias-new-criminal-code-outlaws-adultery-cohabiting-couples-dark-magic/578167/>

24 [http://www.nytimes.com/2013/05/30/world/asia/papua-new-guinea-moves-to-repeal-sorcery-act.html?\\_r=0](http://www.nytimes.com/2013/05/30/world/asia/papua-new-guinea-moves-to-repeal-sorcery-act.html?_r=0)

25 <http://www.legislation.gov.uk/ukpga/Geo6/14-15/33>

*(5) Nothing in subsection (1) of this section shall apply to anything done solely for the purpose of entertainment.*

However, this act was repealed in 2008, and provisions of the Consumer Protection from Unfair Trading Regulations 2008 have since been used to regulate such activity.<sup>26</sup> These regulations prohibit unfair commercial practices in the UK, and are based on an equivalent EU directive. According to the regulations, a commercial practice is unfair if:

*(a) it contravenes the requirements of professional diligence; and (b) it materially distorts or is likely to materially distort the economic behaviour of the average consumer with regard to the product;*

...

*(a) it is a misleading action under the provisions of regulation 5; (b) it is a misleading omission under the provisions of regulation 6; (c) it is aggressive under the provisions of regulation 7; or (d) it is listed in Schedule 1.*

Schedule 1 lists certain prohibited practices, which may apply to commercial superstitious activities in some cases. For example, “*Making a materially inaccurate claim concerning the nature and extent of the risk to the personal security of the consumer or his family if the consumer does not purchase the product*” is prohibited under the schedule, as is “*Falsely claiming that a product is able to cure illnesses, dysfunction or malformations*”. In other cases, commercial superstitious activity can also be aggressive<sup>27</sup> or misleading, which is also reason to prohibit the practice.

## **Conclusions and lessons to keep in mind**

**1. Threat of persecution:** Many sorcery / black magic / witchcraft laws have had a very gendered impact, and have been used to persecute vulnerable and marginalized women and girls in many countries. This is particularly true in many of the Pacific countries and in Africa. The impact is often felt by single women, widows, and women with disabilities, and studies have linked

---

<sup>26</sup> <https://webgate.ec.europa.eu/ucp/public/index.cfm?event=public.country.viewFile&lawID=23&languageID=EN>

<sup>27</sup> The regulations deem a commercial practice to be aggressive if “it significantly impairs or is likely significantly to impair the average consumer’s freedom of choice or conduct in relation to the product concerned through the use of harassment, coercion or undue influence”, where undue influence means “exploiting a position of power in relation to the consumer so as to apply pressure, even without using or threatening to use physical force, in a way which significantly limits the consumer’s ability to make an informed decision”.

the costs of upkeep to accusations of witchcraft and sorcery.<sup>28</sup> A study from South Africa, for example, noted that when a widow pension scheme was introduced, complaints under the witchcraft act fell. Many countries are beginning to recognise the inherent gendered risk of such legislation. PNG repealed its law this year because of the numbers of women being killed. Any draft bill must account for this risk. Possible ways of doing this include (i) a strong definition of harm caused, so only people who cause harm because of their practice of superstitious beliefs are prosecuted; (ii) Punishments for malicious and false accusations;

2. **Impact on freedom of religion and belief:** Many acts considered “superstitious” will interfere with religious beliefs. Punishments may be put in place for people offering services, but its possible that people who receive these services believe in them as well. Any bill of this nature needs to clearly define what sort of practice is being penalised.
3. **Impact on freedom of occupation and expression:** A strong critique of sorcery / black magic / witchcraft laws has come from the practitioners of this “magic”, who believe they are not being allowed to engage in the employment of their choice, i.e., traditional healers, *shamans*, etc. This becomes more complicated when these practices are penalised not just when they cause harm, but also when they are carried out for “commercial gain”. The concept note lists many such practices. Two arguments are made against this: (1) that if someone is selling a “magic bracelet” and someone wants to buy it, the state cannot prohibit it if no one feels harm is caused; (2) as a doctor is not punished when a patient is not healed (except negligence of course), a traditional healer shouldn’t either, unless the state enters into an evaluation into the type of treatment being provided.

There is a corresponding impact on the freedom of expression as well, especially when individuals like to self identify as witches, magic men, etc.

**Impact on cultural rights:** Many sorcery / black magic / witchcraft laws have a colonial history, and were criticized for their inability to understand and account for beliefs and practices that were important to indigenous communities. This bill also runs the same risk. It can be argued that people have the right to believe in ghosts, or spirits, or whatever, and have the right to have these “exorcised” if they think it is important.

---

28 <http://asiafoundation.org/in-asia/2012/08/08/legislating-against-witchcraft-accusations-in-nepal/>

### 3. Concept Note

#### **Introduction:**

It is quite a disturbing fact that superstitious practices are on the rise even in this 21 century. While the old practices continue unabated, new ones are being invented. Modern media seems to foster this development. As a result, the entire society is subjected to unbearable agony. The Constitution of India envisages a society which is democratic, secular and socialist. The 42nd amendment to the Constitution inserted Article 51A(h) as a fundamental duty by stressing the need to *‘develop the scientific temper, humanism and the spirit of enquiry and reform’*. With the help of modern science, we are able to explore several things that were considered secret and mysterious in the past and bring it within everyone’s experience and knowledge. These explorations have proved that several such accustomed superstitious practices are indeed unscientific and absurd. We should move forward in this direction even as we acknowledge and respect that all citizens enjoy freedom of religious belief and practice. Yet there is a need to distinguish the subtle difference between religious faith and superstition born out of blind beliefs.

---

This note has been prepared in consultation with eminent litterateurs, noted thinkers, social activists, academicians, lawyers and folklore experts on the invitation of ‘The Centre for the Study of Social Exclusion and Inclusive Policy’ of National Law School of India University. The note also includes inputs received from a wide section of people to whom it was sent for suggestions, recommendations and comments. The opinions thus collected have been consolidated and we invite a public debate on this note to strengthen it further and make it more comprehensive.



The vested interests within all religions had kept alive several exploitative practices in the name of tradition, religious faith and custom resulting in creating discrimination against Dalits, backward communities, women and religious minorities during pre-Independent time. It is a sad fact that even after six and half decades since we gave ourselves a Constitution, which upholds values of equality and scientific temper, we are unable to wipe out vested interests. This is the prime reason why our Constitutional aspirations like equality, brotherhood and fraternity have been rendered into a mere platitude.

It is important to reinstate that opposing superstition does not mean denial of religious faith. In a democracy, people should be free to hold healthy beliefs of their choice and the government should not criminalise anyone for holding forth such beliefs. Common people usually develop several beliefs on the basis of their lived experience, what they see around and by some other motivation. Beliefs give rise to practices. The next step is when beliefs lose their original identity and get reduced to superstition. Social inequality, lack of rational thinking, deficient dissemination of knowledge are some of the reasons which make people accept things or events without any established causal relationship. Practices that grow out such beliefs lose their meaning and become easy tools of exploitation and abuse in the hands of those who are ready to impose blind faith and ignorance.

Therefore, it is the primary duty of the government to encourage rational thinking in society by enabling people to examine and to modify their beliefs. Accordingly, it is desirable that the proposed 'THE KARNATAKA PREVENTION OF SUPERSTITIOUS PRACTICES BILL- 2013' should, on the one hand, discourage attempts to use peoples' religious beliefs as tools of exploitation and, on the other, to remove established vested interests that either directly or indirectly come in the way of people developing scientific understanding. At the same time, it should facilitate people to develop rational thinking, a questioning attitude and scientific temper. Unless this is done, it would be impossible to realize the Constitutional aspirations of making India a secular, socialist republic. It is for these reasons that there is an urgent need to enact a law that would curb all forms of blind beliefs – those nurtured by long tradition as well as those that have emerged recently – and spread awareness and scientific outlook.

## **The Background**

Societies require something more than economic progress for their all-round development. One of them is a superstition free environment. Some people are of the view that rationality required to develop such a society is alien to our

culture since ideas like scientific thinking and secularism are Western concepts and borrowed from Western culture. But it is important to remember that cultural and intellectual history of our society is shaped by many radical native thinkers and thoughts. Our tradition is shaped over a long period of time by rational philosophies of Buddhism, Sankhya, Carvaka, Vysheshika, Arudha, lokayatha, the 12<sup>th</sup> Century Sharana movement and many more. Great personalities like the Buddha, Basava, Allama, Vivekananda, Phule, Periyar, Narayana guru, Nehru, Ambedkar, Lohia and others have been a part of our rich intellectual legacy. We also had numerous native visionaries and social reformers like folk philosophers, yogis, rebellious cultural heroes, saints, Sufis and saint poets who stood against orthodoxy and mindless rituals. They tore away from the clutches of tradition and ushered in new thinking. The call given by the Buddha not to accept any tenets uncritically merely because they have been handed down to us by tradition, but examine them closely and accept only if we are convinced that such beliefs would serve the interests of all, is a case in point. Dr. Ambedkar stated that he was attracted by the Buddha philosophy for its rationalism. Nehru believed that there was a close connection between scientific attitude and social justice. In our own time we have seen thinkers like Kuvempu, Shivarama Karanth, H.Narasimaiah and others who strove all their lives to create a new Karnataka free of conservative, blind beliefs.

In spite of this glorious legacy, the role of modern education in developing a rational approach that can put an end to irrational beliefs and superstitious practices can never be overstated. For instance, the 1986 National Policy on Education emphasizes the importance of science and rational thinking and declares that social development can be achieved only by nurturing such values. The National Curriculum Framework of 2005 also reiterates the same idea. However, it is a sad fact that superstition exists even among those who are well-educated. Education seems have made no impact in developing a rational bent of mind among youth. Superstitious practices are carried out openly in Government offices where, for instance, priests 'officially' perform religious rites for starting or launching a new government project, the walls in Vidhana Soudha are altered to correct a 'vastu' default and certain magical rituals are performed by politicians to harm their opponents. In a country with more than 120 crores of people, the ones who profess rationality and scientific temper are in a minority. The responsibility of developing a scientific attitude cannot rest on such a limited number of progressive thinkers and activists. While rightful education can go a long way in putting an end to the rise of superstitious

practices, it is equally important that such endeavours are ably supported by legislative initiatives as per the overarching principles of the Constitution. The government has to pull together all its machinery and involve all likeminded people and supporting institutions in this mission.

It should be recalled here that for a long time there was this superstitious belief that Chief Minister who visited Chamarajanagara while in office would lose their power and till now no Chief Minister had dared to question it. By visiting the place the present Chief Minister in a way has demonstrated that such beliefs have no basis. It is very crucial that acts of curbing superstitious practices should start at home.

### **Science v/s Blind faith**

The Indian Constitution envisages a democratic, secular and socialist pattern of society for our country and advocates certain guidelines and provisions to realize this intention. The social system that existed during pre-independent India had kept women and certain sections of people in total darkness and ignorance, resulting in their exploitation. In addition, the common people were kept under intellectual slavery by the priestly class. Caught in this system, they were not able to develop the faculty of independent thinking and come out of their exploitation. Even after independence, attempts by the Government and conscientious citizens to restrain these vested interests and encourage rational thinking have met with very little success. This, however, does not mean that such a condition cannot be changed. History is replete with instances where many conscientious people have fought on behalf of the oppressed people, along with some awakened persons from the community itself. In the present situation, it is in the fitness of things that the Government came forward to perform its role as a representative of the people and exercise its Constitutional responsibility.

Amendment 42 to clause 51-A (H) of the Constitution envisages that establishing 'a scientific temper, secular outlook, humanism and a spirit of enquiry' is the duty of every citizen of this country. Creating an environment conducive to perform such duties is the need of our times. While building a rational society is of prime importance, equally crucial is to protect those that are involved in this mission.

Scientific temper refers to a method that logically analyses every aspect of life on the basis of reason and seeks to find satisfactory answers. Humanism believes

in the dignity of fellow human beings, maintains a concern for the welfare of society and upholds the values of brotherhood and equality. It is a system of thought which regards humans as capable of using their intelligence to live their lives, rather than relying on religious belief. The essence of secularism is the non-interference of religion in the organization of society, education and in public affairs. Not favouring any religion could also mean maintaining an equal distance from all religions. Reform has been variously defined as measure to improve by alteration, correction of error, or removal of defects, to abolish abuse or malpractice, to cause to give up harmful and immoral practices and persuade people to adopt better way of life.

A system of faith is a set of traditionally accepted concepts that operate in the realm of personal belief. They are instruments intended either to ward off an event predicted to happen in the future or deal with problems in the present. Just as there are beliefs that are harmless, there are also those which are quite harmful and misleading. Such beliefs constitute the basis for traditions and rituals. A multiplication of such practices stifles people's lives and become tools of oppression. A large number of them have proved to be detrimental to society over a period of time. For instance horoscope reading, numerology, Vastu, black magic, hypnosis, miracles, witchcraft etc have established a link with notions of God and religion and have had a harmful impact on the mental health of society. They are nothing short of epidemics plaguing the entire humankind.

Witchcraft and rituals claiming to be magical often lead to physical harm and loss of property. They often involve violent, secretive and mysterious rituals that can even lead to death. They operate as a vicious circle of revenge and counter-revenge. They claim to physically and mentally defeat, disarm, neutralise and even kill an opponent. One finds that hapless people in a mentally vulnerable condition, who are in search of solution to their life's problems, often fall victims to such deceptive practices and their practitioners. People's unwavering faith and fear in witchcraft and magic have led to these practitioners gaining acceptance and success.

Such practices further gain ground and spread when they become commercial commodities. People who claim to be "baba"s sell rudraksha beads, dolls and such knickknacks or talisman that claim to cure diseases; pundits and soothsayers who offer solutions to problems by reading the almanac, lines on the hand or the position of stars and planets; frauds who claim to be "godmen" are all part of the larger commercial machinery of superstition. They are not restricted to any

one religious faith. There is a need to form a comprehensive legislation against such anti-people practices after giving due considerations to matters of religious freedom, people's traditions and unique cultural practices.

### **The need of the hour**

'Hurting people's sentiments' is a common refrain used when practices such as Made Snana, Ajalu system, Pankti bheda (feeding Brahmins and other castes in separate lines) are opposed. It was cited when inhuman practices like untouchability, Devadasi system, nude worship and child marriage were abolished. It is only natural that there is an antagonism from traditionalists when attempts are made to question blind beliefs. However, an entire society cannot be kept in darkness in order to protect the interests of a handful of fundamental forces.

There is a need to abolish, through legislation, practices that harm the dignity of a human being and commit social and financial frauds on him or her. There is also a need to put an end to practices such as Vastu, hypnosis, horoscope reading that commit fraud on people by claiming to have a scientific basis by bringing such acts also under the ambit of a law. Subjecting women to sexual harassment while claiming to cure barrenness or subjecting people to violence in the name of exorcising ghosts are much in vogue. There are also many practices which deceive people by wearing a mask of scientific research and analysis. All religions are guilty of perpetrating one or the other type of superstitious practice in the name of tradition and subjecting people, particularly women and children to avoidable harm and indignity.

Apart from the legislative measures, the Government should develop a curriculum aimed at freeing the youth from the clutches of such practices. There is a need to introduce textbooks in schools and colleges that uphold secular values and inculcate values that are beyond the confines of religion if rationalism and scientific temper have to triumph over the ingrained superstitious beliefs. Our schools, colleges and universities should have debates, writing assignments, scientific experiments, personality development workshops and seminars that further this cause. There should be an official instruction that schools and colleges should take students to places of historical and ecological importance, adventure camps and museums rather than to pilgrim places in the name of annual excursions. While framing a law, there should be emphasis on ridding schools, colleges, universities, government offices and other public places of superstitious religious practices that have come to grip them.

To put it in a nutshell, any practice that creates an unhealthy society can be considered “superstitious”. When such practices become commercialized, they turn into a means of livelihood for fraudsters and a way of deceiving the gullible. If they are not covered under a law, we end up in a society steeped in superstition. A legislation to stop and control superstitions is necessary and inevitable to build a vibrant and healthy Karnataka.

### **Practices that should be banned and made punishable**

As the line that demarcates religious faith from superstition is very thin, it is necessary to delineate the difference between the two however subtle the distinction may be. Fundamental duties as enshrined in the Constitution, the concept of Human Rights and the plural nature of our cultural practices may provide us with a broad criterion to mark the dividing line between the two. The proposed Bill could bring under its purview those superstitious practices that cause physical and mental violence to the victims, violate human dignity of the people and result in the economic exploitation of fellow human beings. Further, since such practices particularly victimize women, children, Dalits and minorities, it is important to bring them under the scope of the Bill. Keeping in mind the nature and degree of the harm that is perpetrated in the name of superstition, we can make a distinction between practices that should be banned and those that should be controlled.

The following important aspects may be included in the schedule as a punishable act or practice.

1. Practices like astrological predictions, black magic, witchcrafts like modi and ranamodi, bhanamathi, claiming to provide solutions through divine intervention, foot-worship, being carried in palanquins in public.
2. Practices and traditional beliefs that create disharmony in society; acts that promote discrimination on the basis of caste/gender/class, encourage division among people and violate the dignity of human beings. Such practices that demean the dignity of human beings like ‘Made Snana (making people roll on the leftovers of food) or Ajalu system (making people eat human excreta, nails, hair etc, as is done in the case of Koragas, a Dalit community in Udupi and Mangalore districts etc) .
3. Collective practices carried out in the name of tradition such as discrimination on the notion of purity and pollution, keeping certain castes/sections of

people outside places of religious worship or living areas; preventing them from performing certain religious rituals, discrimination in dining.

4. Practices that inflict harm to women or subject them to sexual abuse in the name of curing them of their barrenness or procuring hidden treasure; carrying out human or animal sacrifice for the sake of promised material benefits, exploiting people in the name of Vastu, nude worship, torment women in the name of playing 'okuli' (splashing water on women forcibly); keeping menstruating and pregnant women in isolated huts far away from the villages (as it is done in Kadugolla community).

### **Practices that need to be controlled and prevented.**

The Constitution of India has granted its citizens the freedom to practice the religion of their choice with fervor as long as it does not endanger the well-being of society at large. More often than not people become victims of superstition on their own volition, but it should not be used to justify such practices. Nor should such victims be penalized by law as the victims of superstition are not necessarily its perpetrators. It is therefore essential that those who victimize common people in the name of religion should be brought under the ambit of law.

1. It should be proclaimed that religious groups of any religion practicing any of the following will come under the purview of the bill: offering predictions based on Vastu or Astrology for gain; stigmatizing persons as belonging to a 'bad star' by referring to horoscope or claiming to having knowledge about Kundalini or Palmistry; seeking and answering questions through divination with the help of extra-sensory perception from seats of religious authority like mutts, mandirs and guru peethas; claiming knowledge of future events suggesting sacrifice of living beings and similar such acts/claims. It should be made public that individuals or groups like associations, organizations and trusts are bound by this bill and as such, their transactions done in the name of religion and activities arising from blind superstition should be considered as crimes against the law. Individuals and groups who are currently engaged in such activities should be asked to register themselves with a government-appointed registering authority.
2. People (like astrologers, mullahs, babas, priests, those who interpret the panchanga and those who claim to foretell the future) who exploit the religious fervor of the common people to sow seeds of ignorant practices,

dead tradition and hoary practices by creating fear-anxiety-distress and causing physical and mental anguish should be brought within the scope of this bill.

3. Services that exploit the gullibility of the common people by promising to provide solutions to their problems by removing the evil effects of Vastu, horoscope or planetary influences by capitalizing on their beliefs and practice should be watched. Their activities should be considered as service to the consumer and provisions made to claim compensation for wrong results. Besides cautioning the public against people who provide such help, advertisements for such services and individuals or organizations who assemble the public in the name of religious worship for such purposes should be made to register with the relevant registering authority.
4. Individuals and office-bearers of associations that exploit ignorance to promote slavery, untouchability, disharmony between religions, child and women abuse and the protection of a few religious groups should be penalized.
5. Associations, organizations, individuals, trust or any factions that promote, preach or observe such ignorant practices (including media like Doordarshan, Radio, Cinema, ..., websites, books and newspapers) should be made to understand that these are illegal activities.
6. Considering people as human manifestations of gods through the misunderstanding of tradition and practice, religious misconception and misguided enthusiasm and the beliefs that are perpetrated through such religious ignorance should be banned and those who promote activities connected with such beliefs should be punished according to the law.
7. People or religious organizations that enthrall gullible people to sacrifice animals within the precincts of places of worship by promising to relieve them of their difficulties or help them in attaining wealth or for general welfare, and also those who burn or maim sick animals or indulge in any form of cruelty to them as cure for their diseases should come under the purview of this bill.
8. Forcing people to make a vow by holding fire in their hands, testing an accused through unscientific mental suggestion and passing unscientific judgments (like Khap panchayat judgments, excommunication and social



boycotting) should be considered as crimes and should be punished as such under the bill.

9. Condemning the religious practice, tradition and belief of other faiths; insulting, disrespecting or otherwise showing them contempt.
10. The form and measure of punishment to be meted out to the guilty through the bill under consideration relating to the practice of superstition has to be serious enough not to become ludicrous. The Maharashtra Bill had initially suggested that the punishment for going against the Bill should be 7 years imprisonment and a fine of Rs. 50,000. But when the Bill eventually came into force while the fine remained the same, the punishment was reduced to 6 to 7 months imprisonment. An extension of the period of imprisonment would be more appropriate.
11. In line with the already existing provision that provides protection to those attempting to bring about social transformation by using the RTI Act, it is necessary that legal protection is provided to those that have come forward to establish scientific temper in all earnestness.

### **Nature of initiatives to be undertaken by the Government.**

1. An extensive publicity programme aimed at combating superstition has to be taken up by involving all forms of media including theatre, street plays, yakshagana, pamphlets, wall writings, radio, TV, internet sites, cinema, documentaries and short films, public adverts, meetings, conventions and seminars. It should be a part of school curriculum.
2. Lessons and activities that promote rational thinking, scientific attitude and a questioning spirit that would inculcate self-confidence to fight blind faith and superstition should be included in the school curriculum.
2. Folk arts, beliefs, practices and traditions handed over by previous generations are of a religious nature and are related to God and religion. Folk art needs to be extricated from such practices. It is then that superstitious beliefs and blind practices could be put to rest. An extensive initiation programme has to be taken up towards such a reforming process. Folklore and Yakshagana Academy, Department of Kannada and Culture and Folklore University should be able to officially take up such a responsibility and execute the same. Simultaneously public and private institutions, Bodies of Authority and Academies, Federations and Boards, Wings of administrative machinery,

courts and other institutions should come forward to put an end to superstitious practices in their own areas of operation.

A Scientific Temper Authority has to be established in order to build a mature, superstition-free Karnataka and shape it further to grow into a progressive State. This Authority should not only be endowed with the responsibility of eradicating superstition but also be vested with the power to take action against the practice of superstition in government, quasi-government and non-government organizations and institutions in the public sector and in the aided and unaided areas of public sector as well. Supervisory power and to a certain extent, the power to exercise legal action should also be vested.

## ಪರಿಕಲ್ಪನಾತ್ಮಕ ಟಿಪ್ಪಣಿ

### ಪ್ರಸ್ತಾವನೆ

21ನೇ ಶತಮಾನದ ಈ ಆಧುನಿಕ ಕಾಲದಲ್ಲಿಯೂ ನಮ್ಮ ಸಮಾಜದಲ್ಲಿ ಮೂಢನಂಬಿಕೆಗಳು, ಕಂದಾಚಾರಗಳು ತೀವ್ರಗತಿಯಲ್ಲಿ ಹೆಚ್ಚುತ್ತಿರುವುದು ಆತಂಕಕಾರಿ ವಿದ್ಯಮಾನವಾಗಿದೆ. ಹಳೆಯ ಪದ್ಧತಿಗಳ ಜೊತೆಗೆ, ಹೊಸ ಹೊಸ ಮೂಢನಂಬಿಕೆಗಳು ಆವಿಷ್ಕಾರಗೊಳ್ಳುತ್ತಿವೆ. ಮಾಧ್ಯಮಗಳು ಸಹ ಮೌಢ್ಯಗಳನ್ನು ಬಿತ್ತಿಬೆಳೆದು ಪೋಷಿಸುತ್ತಿವೆ. ಈ ಮೌಢ್ಯಗಳ ಕಾರಣಗಳಿಂದಾಗಿ ಅಸಹನೀಯ ಸಂಕಟಗಳಿಗೆ ಇಡೀ ಸಮಾಜ ಈಡಾಗಿದೆ. ಭಾರತದ ಸಂವಿಧಾನದ ವಿಧಿ 51-ಎ(ಹೆಚ್)ಗೆ ತಂದ 42ನೇ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ವೈಜ್ಞಾನಿಕ ಚಿಂತನೆ, ಪ್ರಶ್ನಿಸುವ ಮನೋಭಾವ, ಮಾನವತಾವಾದ ಹಾಗೂ ಸಾಮಾಜಿಕ ಸುಧಾರಣೆಗಳ ಅಗತ್ಯವನ್ನು ಒತ್ತಿ ಹೇಳಲಾಗಿದೆ. ಜತೆಗೆ, ಹಿಂದೆ ಅನುಭವವಾಗಿದ್ದ ಹಲವು ವಿಸ್ಮಯಗಳನ್ನು, ನಿಗೂಢಗಳನ್ನು ಆಧುನಿಕ ಕಾಲದಲ್ಲಿ ಎಲ್ಲರ ಅನುಭವಕ್ಕೆ ಬರುವ ಹಾಗೆ ವಿಜ್ಞಾನ ಆವಿಷ್ಕಾರಗೊಳಿಸುತ್ತಿದೆ. ಈ ಆವಿಷ್ಕಾರಗಳು ಈವರೆಗಿನ ಹಲವಾರು ರೂಢಿಗತ ಮೂಢನಂಬಿಕೆಗಳು ಮತ್ತು ಆಚರಣೆಗಳನ್ನು ಅವೈಜ್ಞಾನಿಕ-ಅಸಂಗತ ಎಂದು ಸಾಬೀತುಪಡಿಸಿವೆ. ನಮ್ಮ ದೇಶದ ಸಂವಿಧಾನ ತನ್ನೆಲ್ಲಾ ಪ್ರಜೆಗಳಿಗೆ ತಮ್ಮ ನಂಬಿಕೆಯ ಧಾರ್ಮಿಕ ಶ್ರದ್ಧೆಯನ್ನು ಆಚರಿಸುವ ಸ್ವಾತಂತ್ರ್ಯವನ್ನು ಖಾತರಿಪಡಿಸಿದೆ. ಇದನ್ನು ನಾವು ಗೌರವಿಸುತ್ತಲೇ ಮುಂದುವರೆಯಬೇಕಿದೆ. ಸೂಕ್ಷ್ಮ ಸಂಗತಿಯೆಂದರೆ ಧಾರ್ಮಿಕ ಶ್ರದ್ಧೆ ಬೇರೆ, ಅಂಧಶ್ರದ್ಧೆಯ ಮೂಢನಂಬಿಕೆಗಳೇ ಬೇರೆ. ಸ್ವಾತಂತ್ರ್ಯ ಪೂರ್ವದ ಭಾರತೀಯ ಸಮಾಜದಲ್ಲಿ ದಲಿತರನ್ನು, ಹಿಂದುಳಿದ ಜಾತಿಯವರನ್ನು, ಮಹಿಳೆಯರನ್ನು, ಧಾರ್ಮಿಕ ಅಲ್ಪಸಂಖ್ಯಾತರನ್ನು ಕೀಳಾಗಿ ಕಾಣುವ ತಾರತಮ್ಯ ನೆಲೆಯ ಶೋಷಕ ಪದ್ಧತಿಗಳು ಎಲ್ಲಾ ಧರ್ಮಗಳ ಪಟ್ಟಭದ್ರ ಹಿತಾಸಕ್ತಿಗಳು ಸಂಪ್ರದಾಯ, ಧಾರ್ಮಿಕ ನಂಬಿಕೆ, ರೂಢಿಗತ ಪರಂಪರೆ ಮುಂತಾದ ಹೆಸರಿನಲ್ಲಿ ಚಾಲ್ತಿಯಲ್ಲಿಟ್ಟಿದ್ದವು. ಸಮಾನತೆ ಮತ್ತು ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವಗಳ ಆಶಯವನ್ನಿರಿಸಿಕೊಂಡ ಸಂವಿಧಾನವು ಜಾರಿಗೆ ಬಂದು ಆರೂವರೆ ದಶಕಗಳ ನಂತರವೂ ಮೌಢ್ಯಪಾಲಕ ಸ್ಥಾಪಿತ ಹಿತಾಸಕ್ತಿಗಳನ್ನು ಹತ್ತಿಕ್ಕಲಾಗಿಲ್ಲ. ಇದು ಸಮಾನತೆ-ಸೋದರತೆ-ಸಹಬಾಳ್ವೆ ಎಂಬ ಸಂವಿಧಾನಾತ್ಮಕ ಆಶಯಗಳನ್ನು ಕೇವಲ ನೆಪಮಾತ್ರವಾಗಿಸಲು ಮತ್ತೊಂದು ಪ್ರಮುಖ ಕಾರಣವಾಗಿದೆ.

ಮೂಢನಂಬಿಕೆಗಳನ್ನು ವಿರೋಧಿಸುವುದೆಂದರೆ, ಜನರ ಧಾರ್ಮಿಕ ನಂಬಿಕೆಗಳನ್ನು ಅಲ್ಲಗಳೆಯುವುದಲ್ಲ, ಹೀನಾಯಿಸುವುದಲ್ಲ. ಜನಸಾಮಾನ್ಯರು ತಮ್ಮ ಬದುಕಿನ ಅನುಭವಗಳಿಂದ, ಸುತ್ತಮುತ್ತಲ ಸಾಮಾಜಿಕ ಪ್ರೇರಣೆಗಳಿಂದ ಹಾಗೂ ಪ್ರಚೋದನೆಗಳಿಂದ ಹಲವಾರು ನಂಬಿಕೆಗಳನ್ನು ಬೆಳೆಸಿಕೊಂಡಿರುತ್ತಾರೆ. ನಂಬಿಕೆಗಳಿಂದ ಆಚರಣೆಗಳು ಹುಟ್ಟಿಕೊಳ್ಳುತ್ತವೆ. ನಂಬಿಕೆಗಳು ಮೂಲ ಅಸ್ತಿತ್ವ ಕಳೆದುಕೊಂಡಾಗ ಮೂಢನಂಬಿಕೆಗಳಾಗುವುದು ಇನ್ನೊಂದು ಹಂತ. ಸಾಮಾಜಿಕ ಅಸಮಾನತೆ, ವೈಚಾರಿಕ ಜ್ಞಾನದ ಅಲ್ಪತೆ, ಜ್ಞಾನ ಸಂವಹನದ ಕೊರತೆ ಮುಂತಾದ ಹಲವಾರು ಕಾರಣಗಳಿಂದ ಕೆಲವು ಮೂಢಾಚಾರಗಳು ಕಾರ್ಯಕಾರಣ ಸಂಬಂಧವಿಲ್ಲದೆಯೇ ನಂಬುವಂತೆ ಮಾಡುತ್ತವೆ. ಇಂಥ ನಂಬಿಕೆಗಳ ಮೇಲೆ ರೂಢಿಗೆ ಬಂದ ಆಚರಣೆಗಳು ಅರ್ಥಹೀನವಾಗಿರುತ್ತವೆ. ಇವು ಅಜ್ಞಾನವನ್ನು, ಅಂಧಶ್ರದ್ಧೆಯನ್ನು ಹೇರುವ ಮತ್ತು ಪೋಷಿಸುವ ಶಕ್ತಿಗಳ ಕೈಯಲ್ಲಿ ದುರ್ಬಳಕೆಯಾಗುತ್ತವೆ.

ಈ ಟಿಪ್ಪಣಿಯನ್ನು ಬೆಂಗಳೂರಿನ ರಾಷ್ಟ್ರೀಯ ಕಾನೂನು ಶಾಲೆಯ 'ಸಾಮಾಜಿಕ ಪ್ರತ್ಯೇಕತೆ ಮತ್ತು ಒಳಗೊಳ್ಳುವಿಕೆ ನೀತಿಯ ಅಧ್ಯಯನ ಕೇಂದ್ರ'ದ ಉಪಕ್ರಮದಲ್ಲಿ ರಚಿಸಲಾದ, ರಾಜ್ಯದ ಹಿರಿಯ ಚಿಂತಕರು, ಸಾಹಿತಿಗಳು, ನ್ಯಾಯವಾದಿಗಳು, ಜಾನಪದ ತಜ್ಞರು, ವಿಚಾರವಾದಿಗಳನ್ನೊಳಗೊಂಡ ಸಮಿತಿಯಿಂದ ರೂಪಿಸಲಾಗಿದೆ. ಅಲ್ಲದೆ ನಾಡಿನ ವಿವಿಧೆಡೆಗಳಿಂದ ಬಂದ ಸಲಹೆ, ಅಭಿಪ್ರಾಯಗಳನ್ನು ಒಳಗೊಂಡಿದೆ.

ಯಾವುದೇ ಪ್ರಜಾತಾಂತ್ರಿಕ ಸಮಾಜದಲ್ಲಿ ಜನರು ತಮಗೆ ಇಷ್ಟಬಂದ ಆರೋಗ್ಯಕಾರಿ ನಂಬಿಕೆಗಳನ್ನಿಟ್ಟುಕೊಳ್ಳಲು ಸ್ವತಂತ್ರರಾಗಿರಬೇಕು ಮತ್ತು ಅಂತಹ ಯಾವುದೇ ನಂಬಿಕೆಗಳನ್ನಿಟ್ಟುಕೊಳ್ಳುವುದನ್ನು ಸರ್ಕಾರ ಅಪರಾಧೀಕರಿಸಬಾರದು. ಆದರೆ ಜನರ ಅಂಥಾ ನಂಬಿಕೆಗಳನ್ನು ವೈಜ್ಞಾನಿಕ, ವೈಚಾರಿಕ ತಳಹದಿಯಲ್ಲಿ ವಿಶ್ಲೇಷಣೆ ಮಾಡಲು, ಪರಿಷ್ಕರಣೆ ಮಾಡಲು ಸಶಕ್ತರನ್ನಾಗಿಸುವ ಮೂಲಕ ಸಮಾಜದಲ್ಲಿ ವೈಚಾರಿಕತೆಯನ್ನು ಬೆಳೆಸುವುದಕ್ಕೆ ಬೆಂಬಲ ನೀಡುವುದು ಸರ್ಕಾರದ ಆದ್ಯ ಕರ್ತವ್ಯವಾಗಿದೆ. ಹೀಗಾಗಿ ಪ್ರಸ್ತುತ ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ರೂಪಿಸಲು ಬಯಸಿರುವ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ನಿಯಂತ್ರಣ ಹಾಗೂ ನಿಷೇಧ ವಿಧೇಯಕವು ಏಕಕಾಲದಲ್ಲಿ ಜನಸಾಮಾನ್ಯರ ಧಾರ್ಮಿಕ ನಂಬಿಕೆಗಳನ್ನು ಶೋಷಣೆಯ ಸಾಧನವನ್ನಾಗಿ ಮಾಡಿಕೊಳ್ಳುತ್ತಿರುವ ಧೋರಣೆಗಳನ್ನು ಹಾಗೂ ಈ ಪ್ರಕ್ರಿಯೆಗೆ ಪ್ರತ್ಯಕ್ಷವಾಗಿಯೂ ಪರೋಕ್ಷವಾಗಿಯೂ ಅಡ್ಡಿ ಪಡಿಸುತ್ತಿರುವ ಸ್ಥಾಪಿತ ಹಿತಾಸಕ್ತಿಗಳ ಮನೋಧರ್ಮವನ್ನು ಅಳಿಸಿಹಾಕಬೇಕಾಗಿದೆ. ಅದೇ ವೇಳೆ ಜನರಲ್ಲಿ ವೈಚಾರಿಕ ಪ್ರಜ್ಞೆ, ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವ, ಪ್ರಶ್ನಿಸುವ ಮನೋಭಾವಗಳನ್ನು ಉತ್ತೇಜಿಸುವ ಸದಾಶಯವನ್ನು ನಾವು ತಳೆಯಬೇಕಾಗುತ್ತದೆ. ಇದಾಗದ ಹೊರತು ಭಾರತವನ್ನು ಒಂದು ಪ್ರಜಾತಾಂತ್ರಿಕ, ಧರ್ಮನಿರಪೇಕ್ಷ, ಜ್ಯಾತೃತೀತ ದೇಶವನ್ನಾಗಿ ರೂಪಿಸುವ ಸಂವಿಧಾನದ ಆಶಯಗಳು ಈಡೇರುವುದಿಲ್ಲ. ಆದುದರಿಂದಲೇ ಪಾರಂಪರಿಕವಾಗಿ ರೂಢಿಗೆ ಬಂದಿರುವ ಮತ್ತು ಹೊಸದಾಗಿ ಹುಟ್ಟುವಳಿಯಾಗಿರುವ ಹಾಗೂ ಮುಂದೆ ಹುಟ್ಟಿಕೊಳ್ಳಬಹುದಾದ ಎಲ್ಲಾ ರೀತಿಯ ಮೌಢ್ಯಗಳನ್ನು ಹತ್ತಿಕ್ಕುವ ಮೂಲಕ, ಜನರಲ್ಲಿ ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವ ಬಿತ್ತುವ ಮೂಲಕ, ಸರ್ಕಾರದ ಮತ್ತು ಸಮಾಜದ ಹೊಣೆಗಾರಿಕೆಯನ್ನು ಎತ್ತಿಹಿಡಿಯುವ ನಿರ್ದಿಷ್ಟ ವಿಧೇಯಕವನ್ನು ರೂಪಿಸಿ ಜಾರಿಗೊಳಿಸುವ ಅಗತ್ಯವಿದೆ.

## ಹಿನ್ನೆಲೆ

ನಮ್ಮ ಸಮಾಜವು ಕೇವಲ ಆರ್ಥಿಕ ವಲಯಗಳಲ್ಲಿ ಮಾತ್ರವಲ್ಲದೆ, ಸಮಾಜದ ಎಲ್ಲಾ ರಂಗಗಳಲ್ಲಿ ಪ್ರಗತಿಯನ್ನು ಸಾಧಿಸಲು, ದಿನನಿತ್ಯದ ಜೀವನದಲ್ಲಿ ಹಾಸುಹೊಕ್ಕಾಗಿರುವ ಮೌಢ್ಯಮೂಲದ ಅನಿಷ್ಟಗಳನ್ನು ಹೋಗಲಾಡಿಸುವುದು ಅಗತ್ಯ. ಈ ಕಾರ್ಯಕ್ಕೆ ಅವಶ್ಯಕವಾಗಿ ಬೇಕಾಗಿರುವ ವೈಚಾರಿಕ ಜಾಗೃತಿಯನ್ನು ಪಾಶ್ಚಿಮಾತ್ಯ ಸಂಸ್ಕೃತಿಯ ಕೊಡುಗೆಯೆಂದು ಕೆಲವರು ಹಳಿಯುವುದುಂಟು. ಆದರೆ ಭಾರತದ ಭವ್ಯ ಸಾಂಸ್ಕೃತಿಕ ಪರಂಪರೆಯಲ್ಲಿ ವೈಚಾರಿಕ ನೆಲೆಗಟ್ಟಿನ ಬೌದ್ಧ, ಸಾಂಖ್ಯ, ಚಾರ್ವಾಕ, ವೈಶೇಷಿಕ, ಆರೂಢ, ಲೋಕಾಯತ, ಶರಣ ಪರಂಪರೆ ಮುಂತಾದ ದರ್ಶನಗಳು, ಬುದ್ಧ, ಬಸವಣ್ಣ, ಅಲ್ಲಮಪ್ರಭು, ಫೂಲೆ, ಪೆರಿಯಾರ್, ಸ್ವಾಮಿ ವಿವೇಕಾನಂದ, ನಾರಾಯಣಗುರು, ನೆಹರು, ಅಂಬೇಡ್ಕರ್, ಲೋಹಿಯಾ ಮುಂತಾದವರ ಚಿಂತನೆಗಳು ಇತಿಹಾಸದುದ್ದಕ್ಕೂ ಹಾಸುಹೊಕ್ಕಾಗಿವೆ. ಈ ಪ್ರಯತ್ನದಲ್ಲಿ ಜನಪದ ತತ್ವಪದಕಾರರು, ದೇಶೀ ಯೋಗಿಗಳು, ಬಂಡುಕೋರ ಸಾಂಸ್ಕೃತಿಕ ನಾಯಕರು, ಸಂತ ಮಹಾಂತರು, ಶರಣರು, ಸೂಫಿಗಳು, ದಾಸರು ಮುಂತಾದ ಸಮಾಜ ಸುಧಾರಕರ ಕೊಡುಗೆ ಕೂಡ ಗಮನಾರ್ಹ. ನಮ್ಮ ಪರಂಪರೆಯೊಂದಿಗೆ ಸಾಗಿ ಬಂದಿರುವ ಮೌಢ್ಯಗಳ ಮತ್ತು ಭೂತದ ವ್ಯಸನಗಳ ವಿರುದ್ಧ ದಂಗೆ ಸಾರಿದ ಇವರು ಹೊಸ ಚಿಂತನೆಗೆ ನಾಂದಿ ಹಾಡಿದ್ದಾರೆ. ಯಾವುದನ್ನೇ

ಆಗಲಿ ಯಥಾವತ್ತಾಗಿ ಸ್ವೀಕರಿಸದೆ, ಸೂಕ್ಷ್ಮವಾಗಿ ಗಮನಿಸಿ, ಪರೀಕ್ಷಿಸಿ, ಅದು ಬಹುಜನರ ಹಿತವನ್ನು ರಕ್ಷಿಸಬಲ್ಲದೆಂದು ಮನವರಿಕೆಯಾದ ನಂತರವೇ ಒಪ್ಪಬೇಕೆನ್ನುವ ಬುದ್ಧನ ಸಂದೇಶವನ್ನು ಇಲ್ಲಿ ನೆನಪಿಸಿಕೊಳ್ಳಬಹುದು. ಬುದ್ಧಗುರುವಿನ ಇಂತಹ ವೈಚಾರಿಕ ಚಿಂತನೆಗಳಿಂದ ತಾವು ಆಕರ್ಷಿತರಾದ ಬಗ್ಗೆ ಸ್ವತಃ ಅಂಬೇಡ್ಕರ್‌ರವರೇ ಹೇಳಿಕೊಂಡಿದ್ದಾರೆ. ನೆಹರೂ ಅವರು ವೈಜ್ಞಾನಿಕ ಮನೋಧರ್ಮಕ್ಕೂ, ಸಾಮಾಜಿಕ ನ್ಯಾಯದ ವಿಷಯಕ್ಕೂ ಪರಸ್ಪರ ಸಂಬಂಧವಿದೆಯೆಂದು ನಂಬಿದ್ದರು. ಕುವೆಂಪು, ಶಿವರಾಮ ಕಾರಂತ, ಹೆಚ್.ನರಸಿಂಹಯ್ಯ ಮುಂತಾದವರು ಮೌಢ್ಯವನ್ನು ಮೀರಿ ಕರ್ನಾಟಕವನ್ನು ಕಟ್ಟಲು ಜೀವನ ಪರ್ಯಂತ ಹೋರಾಡಿದ್ದಾರೆ.

1986ರ ರಾಷ್ಟ್ರೀಯ ಶಿಕ್ಷಣ ನೀತಿಯಲ್ಲಿ ವಿಜ್ಞಾನಕ್ಕೆ ವೈಚಾರಿಕ ಚಿಂತನೆಗೆ ಪ್ರಾಮುಖ್ಯತೆ ನೀಡಲಾಗಿದ್ದು, ಅಂತಹ ವೈಜ್ಞಾನಿಕ ಮನೋಧರ್ಮವನ್ನು ಅಳವಡಿಸಿಕೊಳ್ಳುವುದರ ಮೂಲಕ ಸಾಮಾಜಿಕ ಪ್ರಗತಿ ಸಾಧಿಸಬೇಕೆಂದು ಘೋಷಿಸಲಾಗಿದೆ. ಹಾಗೆಯೇ 2005ರ ರಾಷ್ಟ್ರೀಯ ಪಠ್ಯಕ್ರಮ ಚೌಕಟ್ಟು ಕೂಡಾ ಇದನ್ನೇ ಸೂಚಿಸಿದೆ. ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳು, ಈಗಾಗಲೇ ತಿಳಿದುಬಂದಿರುವ ಪ್ರಗತಿ ನಿಯಮಗಳಿಗೆ ವಿರುದ್ಧವಾಗಿವೆ ಎಂಬುದನ್ನು ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವವು ತೋರಿಸಿಕೊಟ್ಟಿದೆ. ಆದರೆ, ಇಂದಿನ ಸುಶಿಕ್ಷಿತರೆನ್ನಿಸಿಕೊಂಡವರಲ್ಲಿಯೂ ಕಂದಾಚಾರ ಕಡಿಮೆಯಾಗಿ ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವ ಹೆಚ್ಚಾಗುವ ಬದಲು ಮೌಢ್ಯವೇ ಮನೆ ಮಾಡಿದೆ. ಸರ್ಕಾರಿ ಕಛೇರಿಗಳಲ್ಲಿ ಪೂಜೆಸುನಸ್ಕಾರ ನಡೆಸುವ, ಸರ್ಕಾರಿ ಕಟ್ಟಡಗಳನ್ನು ಕಟ್ಟಲು ಗುದ್ದಲಿ ಪೂಜೆ ಮಾಡಿಸುವ, ವಿಧಾನಸೌಧ-ವಿಕಾಸಸೌಧಗಳಂತಹ ಸಾರ್ವಜನಿಕ ಕಟ್ಟಡಗಳಲ್ಲಿರುವ ಕೊಠಡಿಗಳನ್ನು ವಾಸ್ತುದೋಷ ನಿವಾರಣೆಯ ಹೆಸರಿನಲ್ಲಿ ಮನಬಂದಂತೆ ಬದಲಿಸಿ ಕಟ್ಟುವ ಮೂಢಮತಿಗಳಿದ್ದಾರೆ. ಹೀಗಾಗಿ ವೈಚಾರಿಕತೆಯೆಂಬುದು ಶಿಕ್ಷಿತರಿಗೆ ಮತ್ತು ಶೈಕ್ಷಣಿಕ ಕ್ಷೇತ್ರಕ್ಕೆ ಮಾತ್ರ ಸಂಬಂಧಿಸಿರಬೇಕಾದ ವಿಷಯವಲ್ಲ. ಹೀಗಾಗಿ, ನೂರಿಪ್ಪತ್ತು ಕೋಟಿಗೂ ಹೆಚ್ಚಿನ ಜನಸಂಖ್ಯೆಯಿರುವ ಭಾರತ ದೇಶದಲ್ಲಿ ವೈಚಾರಿಕತೆ ಬೆಳೆಸುವ ಮತ್ತು ವೈಜ್ಞಾನಿಕ ಮನೋಧರ್ಮವನ್ನು ರೂಪಿಸುವ ಹೊಣೆಯನ್ನು ಸೀಮಿತ ಸಂಖ್ಯೆಯಲ್ಲಿರುವ ಪ್ರಗತಿಪರ ಚಿಂತಕರು, ಪ್ರಗತಿಪರ ಹೋರಾಟಗಾರರು ಮಾತ್ರ ಹೊತ್ತುಕೊಂಡರಷ್ಟೇ ಸಾಲದು. ಸರ್ಕಾರದ ಸಕಲ ಆಡಳಿತ ಯಂತ್ರಾಂಗಗಳೂ, ಸಾರ್ವಜನಿಕ ಸಂಸ್ಥೆಗಳೂ, ಸಂವಿಧಾನಾತ್ಮಕವಾದ ಈ ಕರ್ತವ್ಯವನ್ನು ನಿರ್ವಹಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಅಲ್ಲದೆ ಮೌಢ್ಯಾಚರಣೆಗಳನ್ನು ತಡೆಗಟ್ಟುವ ಕೆಲಸವನ್ನು ಸರ್ಕಾರಿ ಕಛೇರಿಗಳಿಂದಲೇ ಮೊದಲು ಪ್ರಾರಂಭವಾಗುವುದು.

ಚಾಮರಾಜನಗರ ಜಿಲ್ಲೆ ಶಾಪಗ್ರಸ್ಥ ನೆಲ, ಮುಖ್ಯಮಂತ್ರಿಯಾದವರು ಅಲ್ಲಿಗೆ ಭೇಟಿ ನೀಡಿದರೆ ಅಧಿಕಾರ ಕಳೆದುಕೊಳ್ಳುತ್ತಾರೆಂಬ ಮೌಢ್ಯವನ್ನು ಪ್ರಭುತ್ವದ ಮೇಲೆಯೇ ಹೇರಲಾಗಿದ್ದ ವಿದ್ಯಮಾನವೊಂದು ಈವರೆಗೆ ಚಾಲ್ತಿಯಲ್ಲಿತ್ತು. ಈ ಮೌಢ್ಯವನ್ನು ನಂಬಿದ ಹಲವಾರು ಮುಖ್ಯಮಂತ್ರಿಗಳು ಆ ಜಿಲ್ಲೆಗೆ ಭೇಟಿಕೊಟ್ಟಿರಲಿಲ್ಲ. ಈ ಮೌಢ್ಯವನ್ನು ಧಿಕ್ಕರಿಸಿ ಚಾಮರಾಜನಗರಕ್ಕೆ ಭೇಟಿ ನೀಡಿರುವ ಈಗಿನ ಮುಖ್ಯಮಂತ್ರಿಗಳ ವೈಚಾರಿಕ ನಡಿಗೆ ಅನುಕರಣೀಯವಾದುದು.

**ಪ್ರಸ್ತುತ ವಿಧೇಯಕದ ತಾತ್ವಿಕತೆ, ಆಶಯ ಮತ್ತು ವ್ಯಾಪ್ತಿ**

ಭಾರತದ ಸಂವಿಧಾನವು ನಮ್ಮ ದೇಶದಲ್ಲಿ ಪ್ರಜಾತಾಂತ್ರಿಕ, ಧರ್ಮನಿರಪೇಕ್ಷ, ಸಮಾಜವಾದಿ ವ್ಯವಸ್ಥೆಯೊಂದು ಅಸ್ತಿತ್ವದಲ್ಲಿರಬೇಕೆಂಬ ಆಕಾಂಕ್ಷೆ ಹೊಂದಿದ್ದು, ಅಂತಹ ಆಶಯಗಳಿಗೆ ಪೂರಕವಾಗುವಂಥ ಹಲವು ಮಾರ್ಗದರ್ಶಿ ಸೂತ್ರಗಳನ್ನು ಮತ್ತು ವಿಧಿಗಳನ್ನು ಒಳಗೊಂಡಿದೆ. ಸ್ವಾತಂತ್ರ್ಯ ಪೂರ್ವದಲ್ಲಿ ಅಸ್ತಿತ್ವದಲ್ಲಿದ್ದ ನಮ್ಮ ಸಾಮಾಜಿಕ ವ್ಯವಸ್ಥೆಯು ಕೆಲ ಜಾತಿಗಳ ಜನರನ್ನು

ಮತ್ತು ಮಹಿಳೆಯರನ್ನು ಅಜ್ಞಾನ ಮತ್ತು ಅಂಧಕಾರದಲ್ಲಿಟ್ಟು ಶೋಷಿಸುತ್ತಿತ್ತು. ಅದನ್ನು ವಿರೋಧಿಸಿ ಹಲವಾರು ಸಮಾಜ ಸುಧಾರಣೆಗಳು ಮತ್ತು ಬಂಡಾಯಗಳು ಆಗಿಹೋಗಿವೆ. ಇಷ್ಟಾಗಿಯೂ ಅವೈಚಾರಿಕ ಚಿಂತನೆಗಳು ಮತ್ತು ಕಂದಾಚಾರಗಳು ಮುಂದುವರೆದಿವೆ. ಮಾತ್ರವಲ್ಲದೆ ಪುರೋಹಿತಶಾಹಿ ವ್ಯವಸ್ಥೆ ಸಾಮಾನ್ಯ ಜನತೆಯನ್ನು ಬೌದ್ಧಿಕ ದಾಸ್ಯದಲ್ಲಿರಿಸಿದೆ. ಬೌದ್ಧಿಕ ದಾಸ್ಯಕ್ಕೆ ಸಿಲುಕಿ ಸ್ವತಂತ್ರವಾಗಿ ವಿಚಾರ ಮಾಡುವ ಧೋರಣೆಯನ್ನೇ ತಳೆಯದೆ, ಶೋಷಣೆಯನ್ನು ಅನುಭವಿಸುತ್ತಲೇ ಬದುಕುತ್ತಿದ್ದಾರೆ. ಸ್ವಾತಂತ್ರ್ಯ ನಂತರವೂ ಮೌಢ್ಯಪೋಷಕ ಪಟ್ಟಭದ್ರ ಹಿತಾಸಕ್ತಿಗಳನ್ನು ಹತ್ತಿಕ್ಕುವ ಮತ್ತು ಜನರಲ್ಲಿ ವೈಚಾರಿಕ ಪ್ರಜ್ಞೆ ಮೂಡಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ ಸರ್ಕಾರದ ಮತ್ತು ಪ್ರಜ್ಞಾವಂತ ನಾಗರಿಕರ ಪ್ರಯತ್ನಗಳು ನಿರೀಕ್ಷಿತ ಪ್ರಮಾಣದಲ್ಲಿ ನಡೆದಿಲ್ಲದಿರುವ ಕಾರಣದಿಂದ ಆರೋಗ್ಯವಂತ ನಾಗರಿಕ ಸಮಾಜವಾಗಿ ನಾವು ವಿಕಾಸಗೊಂಡಿಲ್ಲ. ಹಾಗೆಂದ ಮಾತ್ರಕ್ಕೆ ಜನರ ಈ ಬೌದ್ಧಿಕ ದಾರಿದ್ರ್ಯವನ್ನು ಬದಲಿಸಬಾರದೆಂದೇನೂ ಇಲ್ಲ. ದಮನಿತ ಸಾಮಾಜಿಕ ವಲಯಗಳ ಎಚ್ಚಿತ್ತ ಪ್ರಜ್ಞೆಯ ಜನರು ಮತ್ತು ದಮನಿತರ ಪರವಾಗಿ ಹೊರಗಿನ ಪ್ರಜ್ಞಾವಂತರು ದನಿ ಎತ್ತಿ ಸಾಮಾಜಿಕ ಸುಧಾರಣೆಗಾಗಿ ಹೋರಾಡಿದಿರುವುದನ್ನು ಇತಿಹಾಸದ ಅನೇಕ ಪ್ರಸಂಗಗಳು ಸಾರಿ ಹೇಳುತ್ತವೆ. ಪ್ರಸ್ತುತ ಸನ್ನಿವೇಶದಲ್ಲಿ ಸರ್ಕಾರವೇ ಸಮಾಜ ಸುಧಾರಣೆಯ ಹೊಣೆಯನ್ನು ಹೊರಬೇಕಾಗಿರುವುದು ಅಗತ್ಯವಾಗಿದೆ. ಇದು ಸಂವಿಧಾನಾತ್ಮಕ ಕರ್ತವ್ಯವೂ ಆಗಿದೆ.

ಪ್ರಜಾಪೀಡಕ ಕಂದಾಚಾರಗಳು ಮತ್ತು ಶೋಷಣೆಗಳು ಯಾವುದೇ ಒಂದು ಧರ್ಮಕ್ಕೆ ಸೀಮಿತವಾಗಿಲ್ಲ. ವೈಚಾರಿಕತೆಯನ್ನು ಮೈಗೂಡಿಸಿಕೊಳ್ಳದ ಸ್ಥಾಪಿತ ಹಿತಾಸಕ್ತಿಗಳನ್ನು ಪ್ರಶ್ನಿಸದ ಎಲ್ಲ ಧರ್ಮೀಯರೂ ಈ ವ್ಯವಸ್ಥೆಯಲ್ಲಿ ಬಲಿಪಶುಗಳಾಗುತ್ತಿದ್ದಾರೆ. ಧಾರ್ಮಿಕ ಮೂಲಭೂತವಾದಿ ಶಕ್ತಿಗಳ ಸಾಂಪ್ರದಾಯಿಕ ಅಧಿಕಾರವನ್ನು ಸದ್ಯದ ಕಾನೂನುಗಳು ಪ್ರತಿಬಂಧಿಸಲಾಗದಿರುವುದರಿಂದ ಶೋಷಣೆಯ ಮುಂದುವರಿಕೆಗೆ ಅಡೆತಡೆ ಇಲ್ಲದಂತಾಗಿದೆ. ದೇಶವನ್ನು ಪ್ರಗತಿಯೆಡೆಗೆ ನಡೆಸಬೇಕಾದ ಜವಾಬ್ದಾರಿ ಹೊತ್ತಿರುವ ಪ್ರಭುತ್ವ ಈ ದಿಕ್ಕಿನಲ್ಲಿ ಚಿಂತನೆ ನಡೆಸಿ, ಪ್ರಗತಿಗೆ ಧಕ್ಕೆ ತರುವ ಎಲ್ಲಾ ಶಕ್ತಿಗಳನ್ನು ಹತ್ತಿಕ್ಕುವ ಉಪಕ್ರಮಗಳನ್ನು ಹುಡುಕಬೇಕಿದೆ. ಈಗ ರೂಪಿಸಲು ಆಲೋಚಿಸುತ್ತಿರುವ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ನಿಯಂತ್ರಣ ಹಾಗೂ ನಿಷೇಧ ವಿಧೇಯಕ ಅಂತಹ ಉಪಕ್ರಮದ ಪ್ರಯತ್ನವಾಗಿದೆ.

ಸಂವಿಧಾನದ ವಿಧಿ 51-ಎ(ಹೆಚ್)ಗೆ ತಂದ 42ನೇ ತಿದ್ದುಪಡಿಯಲ್ಲಿ 'ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವ, ಧರ್ಮನಿರಪೇಕ್ಷತೆ, ಮಾನವತಾವಾದ ಮತ್ತು ಪ್ರಶ್ನಿಸುವ ಗುಣ ಹಾಗೂ ಸುಧಾರಣಾ ಮನೋಭಾವ'ಗಳನ್ನು ಸಮಾಜದಲ್ಲಿ ನೆಲೆಗೊಳಿಸುವುದನ್ನು ಈ ದೇಶದ ನಾಗರಿಕರ ಕರ್ತವ್ಯವೆಂದು ಪ್ರಸ್ತಾಪಿಸಲಾಗಿದೆ. ಇಂತಹ ಸುಧಾರಣವಾದಿ ಸದಾಶಯಗಳಿಗೆ ಪೂರಕವಾದ ವಾತಾವರಣವನ್ನು ಕಲ್ಪಿಸುವುದು ಈ ಕಾಲದ ಅಗತ್ಯವಾಗಿದೆ. ಇಲ್ಲಿ ವೈಚಾರಿಕ ಸಮಾಜವನ್ನು ನಿರ್ಮಾಣ ಮಾಡುವುದು ಎಷ್ಟು ಮುಖ್ಯವೋ, ಈ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ತೊಡಗಿರುವವರ ರಕ್ಷಣೆಗೆ ನಿಲ್ಲುವುದು ಅಷ್ಟೇ ಮುಖ್ಯ. ಇವೆಲ್ಲವೂ ಈ ದೇಶದ ನಾಗರಿಕರ ಮೂಲಭೂತ ಕರ್ತವ್ಯಗಳ ಭಾಗವಾಗಿ ಸಂವಿಧಾನದಲ್ಲಿ ಸೇರ್ಪಡೆಗೊಂಡಿವೆ.

ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವವೆಂದರೆ ಒಂದು ಆಲೋಚನಾ ಕ್ರಮ. ಅಂದರೆ, ಬದುಕಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ವಿಷಯಗಳನ್ನು ಕಾರ್ಯಕಾರಣಗಳ ತಳಹದಿಯ ಮೇಲೆ ವಿಶ್ಲೇಷಿಸಿ, ತರ್ಕಬದ್ಧವಾಗಿ ಅರ್ಥೈಸಿಕೊಂಡು ಸಮಸ್ಯೆಗಳಿಗೆ ಪರಿಹಾರಗಳನ್ನು ಹುಡುಕುವಂತಹದ್ದಾಗಿದೆ. ಹಾಗೆಯೇ ಒಬ್ಬ ವ್ಯಕ್ತಿ ಇತರ ಸಹಮಾನವವರ ಘನತೆಯನ್ನು ಗುರುತಿಸಿ, ಸಾಮಾಜಿಕ ಒಳಿತಿನ ಕಾಳಜಿಯನ್ನು ಹೊಂದಿ, ಎಲ್ಲರನ್ನೂ ಸಮಾನವಾಗಿ ಕಾಣುವ ಮನೋಧರ್ಮ ಬೆಳೆಸಿಕೊಳ್ಳಬೇಕು. ಇದನ್ನು ಮಾನವತಾವಾದವೆಂದು ಕರೆಯುತ್ತೇವೆ. ಈ ಮಾನವತಾವಾದವು ಮನುಷ್ಯರು ಎದುರಿಸುವ ಸಮಸ್ಯೆಗಳನ್ನು ವಿಚಾರದ ಆಧಾರದಲ್ಲಿ ಅರ್ಥೈಸುತ್ತದೆ

ಮತ್ತು ಯಾವುದೇ ಸಮಸ್ಯೆಗೆ ಪರಿಹಾರವನ್ನು ವಿವೇಚನೆಯ ಮೂಲಕ ಕಂಡುಹಿಡಿಯುವುದರೊಂದಿಗೆ ಮಾನವೀಯ ಮೌಲ್ಯಗಳಾದ ಸೋದರತೆ ಮತ್ತು ಸಮಾನತೆಯನ್ನು ಎತ್ತಿಹಿಡಿಯುತ್ತದೆ.

ಸಾರ್ವಜನಿಕ ಜೀವನದಲ್ಲಿ ಧರ್ಮದ ಮಧ್ಯಪ್ರವೇಶವಿಲ್ಲದಿರುವುದು ಹಾಗೂ ಆಡಳಿತದಲ್ಲಿ ಯಾವುದೇ ಧರ್ಮದ ಪಕ್ಷಪಾತಿಯಾಗದೆ ಎಲ್ಲ ಧರ್ಮಗಳಿಂದಲೂ ಸಮಾನ ಅಂತರವನ್ನು ಕಾಯ್ದುಕೊಳ್ಳುವುದೇ ಧರ್ಮನಿರಪೇಕ್ಷತೆಯ ತಿರುಳು. ಅದನ್ನು ಅನುಸರಿಸುತ್ತಲೇ ಸಮಾಜದಲ್ಲಿ ಪ್ರಚಲಿತದಲ್ಲಿರುವ ಕಂದಾಚಾರಗಳನ್ನು ಮತ್ತು ಅನಿಷ್ಟ ಸಾಮಾಜಿಕ ಪದ್ಧತಿಗಳನ್ನು ಗುರುತಿಸಿ ಅವುಗಳನ್ನು ನಿಯಂತ್ರಿಸಿ ಅಥವಾ ನಿಷೇಧಿಸಿ ಎಲ್ಲರೂ ಸುಖ ಸಂತೋಷ ನೆಮ್ಮದಿಯಿಂದ ಸಹಬಾಳ್ವೆ ನಡೆಸುವಂತಾಗಬೇಕೆಂಬುದು ಈ ಮಸೂದೆಯ ಆಶಯವಾಗಿದೆ.

### ನಂಬಿಕೆ-ಮೂಢನಂಬಿಕೆ-ಸಂಪ್ರದಾಯ-ಆಚರಣೆ

ಜನಪದ ನಂಬಿಕೆಯೆಂಬುದು ಸಾಂಪ್ರದಾಯಿಕವಾಗಿ ಅಂಗೀಕೃತವಾದ ಪರಿಕಲ್ಪನೆಯಾಗಿದ್ದು, ವ್ಯಕ್ತಿಯ ವಿಶ್ವಾಸಕ್ಕೆ ಸಂಬಂಧಿಸಿದ್ದಾಗಿದೆ. ಅದು ಬದುಕಿನ ಸಮಸ್ಯೆಗಳನ್ನು ನಿವಾರಿಸಲು ಅಥವಾ ಭವಿಷ್ಯತ್ತಿನಲ್ಲಿ ಘಟಿಸಬಹುದಾದುದನ್ನು ಮುನ್ನವೇ ತಡೆಯಲು ಬಳಸುವ ಒಂದು ಸಾಧನ. ಇಂತಹ ನಂಬಿಕೆಗಳಲ್ಲಿ ಅನುಪದ್ರವಿಯಾದ ನಂಬಿಕೆಗಳು ಇರುವಂತೆ ಅಪಕಲ್ಪನೆಯ ಹಾಗೂ ಹಾನಿಕಾರಕ ನಂಬಿಕೆಗಳೂ ಇವೆ. ನಂಬಿಕೆಗಳ ಮೇಲೆಯೇ ಆಚರಣೆ ಮತ್ತು ಸಂಪ್ರದಾಯಗಳು ರೂಪುಗೊಂಡಿರುತ್ತವೆ. ಹಾಗೆಯೇ ವಿಧಿ-ನಿಷೇಧಗಳೂ ರೂಪುಗೊಳ್ಳುತ್ತವೆ. ಈ ವಿಧಿ-ನಿಷೇಧಗಳು ಅಧಿಕವಾಗುತ್ತ ಹೋದಂತೆ, ಜನರ ಮನಸ್ಸಿನ ಮೇಲೆ ಅಧಿಕಾರ ಸ್ಥಾಪಿಸಿ, ಬದುಕನ್ನು ಉಸಿರುಗಟ್ಟಿಸುತ್ತವೆ; ನರಕವಾಗಿಸುತ್ತವೆ.

ಧಾರ್ಮಿಕ ಸ್ವರೂಪದಲ್ಲಿರುವ ಆಚರಣೆ-ಸಂಪ್ರದಾಯಗಳೆಲ್ಲವೂ ಅಪಾಯಕಾರಿಯಲ್ಲ. ಆದರೆ ಬಹುಪಾಲು ಆಚರಣೆ-ಸಂಪ್ರದಾಯಗಳು ಸಮಾಜದ ಆರೋಗ್ಯಕ್ಕೆ ಅಪಾಯಕಾರಿಯಾಗಿ ಪರಿಣಮಿಸಿವೆ. ಫಲಜ್ಯೋತಿಷ್ಯ, ಜಾತಕಫಲ, ಶಕುನ, ಕಾಲನಿರ್ಣಯ(ಕಾಲಜ್ಞಾನ), ನ್ಯೂಮರಾಲಜಿ, ವಾಸ್ತುಶಾಸ್ತ್ರ, ಪವಾಡ, ಯಕ್ಷಿಣಿ ವಿದ್ಯೆ, ಜಾದುಗಾರಿಕೆ, ಮಾಟಮಂತ್ರ, ಮೋಡಿ-ರಣಮೋಡಿ, ಬಾನಾಮತಿ, ವಶೀಕರಣ, ವಾಮಾಚಾರ ಮುಂತಾದವು ಸಮಾಜದ ಆರೋಗ್ಯವನ್ನು ಕದಡುತ್ತಿದ್ದು, ದೇವರು-ಧರ್ಮದೊಂದಿಗೆ ಸಂಬಂಧ ಸಾಧಿಸಿವೆ. ಇವು ನಮ್ಮ ಸಮಾಜದ ಕೋಟ್ಯಂತರ ಪ್ರಜೆಗಳಿಗೆ ಅಂಟಿದ ಪೀಡೆಗಳಾಗಿ ಬಾಧಿಸುತ್ತಿವೆ.

ಮಾಂತ್ರಿಕ ಅಥವಾ ಅಗೋಚರ ಶಕ್ತಿಗಳನ್ನು ಅವಲಂಬಿಸಿ ಬಂದ ಅಥವಾ ವಾಮಾಚಾರದ ತಂತ್ರ ಪರಿಕಲ್ಪನೆಗಳು ಜನರನ್ನು ಹಿಂಸಿಸುವ, ಆಸ್ತಿಪಾಸ್ತಿಯನ್ನು ನಾಶಮಾಡುವ ಅಥವಾ ಹಾನಿಗೊಳಿಸುವ ಪ್ರಕ್ರಿಯೆಗಳನ್ನು ಹೊಂದಿರುತ್ತವೆ. ಇವು ಹಿಂಸಾಸ್ವರೂಪಿಯೂ ಹೌದು, ರಹಸ್ಯ ಅಥವಾ ನಿಗೂಢ ಸ್ವರೂಪಿಯೂ ಹೌದು. ಕೆಲವೊಮ್ಮೆ ಮಾರಣಾಂತಿಕವೂ ಹೌದು. ಸ್ವ-ಅಭಿಲಾಷೆ, ಸೇಡು-ಪ್ರತಿಸೇಡುಗಳಂತಹ ಮನೋಭಾವಗಳೇ ಹಿನ್ನೆಲೆಯಲ್ಲಿದ್ದು ಈ ಕೆಲಸ ಮಾಡಿಸುತ್ತವೆ. ಈ ಆಚರಣೆಗಳು ಎದುರಾಳಿಯನ್ನು ಮಾನಸಿಕವಾಗಿ ಮತ್ತು ದೈಹಿಕವಾಗಿ ನಿಷ್ಕ್ರಿಯಗೊಳಿಸಿ, ದುರ್ಬಲಗೊಳಿಸಿ, ನಿಶ್ಚಕ್ರನ್ನಾಗಿಸಿ, ಗೆಲ್ಲುವಂತಹ ಸ್ವರೂಪದವುಗಳಾಗಿದ್ದು, ಪ್ರಾಣಾಂತಿಕವೂ ಆಗಿರುತ್ತವೆ. ಜನರು ತಮ್ಮನ್ನು ಬಾಧಿಸುತ್ತಿರುವ ದುಃಖ-ದುಮ್ಮಾನ, ಕಷ್ಟ-ನಷ್ಟ ವೈಯಕ್ತಿಕ ಜೀವನದ ಪಾಡು-ಪಡಿಪಾಟಲುಗಳಿಗೆ ಪರಿಹಾರ ಹುಡುಕಿ ದುರ್ಬಲ ಮನಸ್ಥಿತಿಯಿಂದ ಇಂತಹ ಮೌಢ್ಯಗಳನ್ನು ಅನುಸರಿಸುತ್ತಿರುವುದು ಹಾಗೂ ವಂಚಕ ಶಕ್ತಿಗಳ ಮೊರೆಹೋಗುತ್ತಿರುವುದು ಸಾಮಾನ್ಯ ವಿದ್ಯಮಾನವಾಗಿದೆ. ಜನರಲ್ಲಿ ಮಾಟಮಂತ್ರದ

ಬಗೆಗಿರುವ ದೃಢವಾದ ನಂಬಿಕೆ, ಅತಿಯಾದ ಜೀವಭಯ ಇವುಗಳ ಯಶಸ್ಸಿಗೆ ಕಾರಣವಾಗಿವೆ.

ಮೂಢ ಆಚರಣೆಗಳು ವ್ಯಾಪಾರೀಕರಣಗೊಂಡಾಗ ಈ ರೀತಿಯ ನಡವಳಿಕೆಗಳು ಢಾಳಾಗಿ ಕಾಣುತ್ತವೆ. ಹಾದಿಬೀದಿಗಳಲ್ಲಿ ನವಿಲುಗರಿ ಗೊಂಡೆಗಳನ್ನು ತಲೆಮೇಲಿರಿಸಿ ಆಶೀರ್ವದಿಸುವ ಬಾಬಾಗಳು, ಶಕುನ ನುಡಿಯುವವರು, ಜಪಮಾಲೆ-ರುದ್ರಾಕ್ಷಿ-ಮಣಿಸರ-ಹರಳುಗಳು-ಶಕುನ ಗೊಂಬೆಗಳು ಮುಂತಾದ ವಸ್ತುಗಳನ್ನು ಮಾರಾಟ ಮಾಡುವವರು, ಅಂತ್ರ-ತಂತ್ರ-ವೈದ್ಯತಂತ್ರ-ಕಡಗ-ಸರಿಗೆ-ಮುರ-ತಾಯತ-ತೋಳ್ಳೆ-ಮಂತ್ರಗಾಯಿ ಮುಂತಾದ ವಸ್ತುಗಳನ್ನು ಮಾರಾಟ ಮಾಡುವ, ಹಸ್ತಸಾಮುದ್ರಿಕೆ-ಜಾತಕ ಬರೆಹ-ಕುಂಡಿಲಿ-ಗೃಹಪುಣ್ಯವದನ-ದಿಗ್ವಂಧನ ಮುಂತಾದ ಸೇವೆಗಳನ್ನು ಒದಗಿಸುವ ಪುರೋಹಿತರು, ದೈವಾಂಶಸಂಭೂತ ದೇವಮಾನವರೆಂದು ಬಿಂಬಿಸಿಕೊಳ್ಳುವ ಧಾರ್ಮಿಕ ಮುಖವಾಡ ಧರಿಸಿದ ವಂಚಕರು ಮುಂತಾದವರು ನಡೆಸುತ್ತಿರುವ 'ಮೌಢ್ಯ'ದ ವ್ಯಾಪಾರ ದೊಡ್ಡ ದಂಧೆಯಾಗಿಯೇ ಬೆಳೆದಿದೆ. ಇವು ಯಾವುದೋ ಒಂದು ಧರ್ಮಕ್ಕೆ ಸೀಮಿತವಾಗಿಲ್ಲ. ಧಾರ್ಮಿಕ ನಂಬಿಕೆಯ ಸ್ವಾತಂತ್ರ್ಯ, ಜನಪದ ಪರಂಪರೆ, ಸಂಸ್ಕೃತಿಗಳ ಅನನ್ಯತೆ ಮುಂತಾದ ಪರಿಕಲ್ಪನೆಗಳನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡೇ ಅವುಗಳಲ್ಲಿರುವ ಜನವಿರೋಧಿ ಆಚರಣೆಗಳ ವಿರುದ್ಧ ಕಾನೂನನ್ನು ರೂಪಿಸುವ ಅಗತ್ಯವಿದೆ.

ಸಾಮಾನ್ಯವಾಗಿ ಮೂಢನಂಬಿಕೆಗಳ ವಿರುದ್ಧದ ಕಾರ್ಯಾಚರಣೆಗಳಿಂದ ನಮ್ಮ ಧಾರ್ಮಿಕ ನಂಬುಗೆಗಳಿಗೆ ನೋವಾಗುತ್ತದೆ ಎಂದು ಕೆಳವರು ಹೇಳುವುದುಂಟು. ಅಸ್ವಶ್ಯತೆ, ದೇವದಾಸಿ ಪದ್ಧತಿ, ಬೆತ್ತಲೆಸೇವೆ, ಬಾಲ್ಯವಿವಾಹ ಪದ್ಧತಿ ಮುಂತಾದ ಜನವಿರೋಧಿ ಆಚರಣೆಗಳನ್ನು ನಿಷೇಧಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಸಾಂಪ್ರದಾಯಿಕ ಹಿತಾಸಕ್ತಿಗಳ ಭಾವನೆಗಳಿಗೆ ನೋವುಂಟಾಗುವುದು ಸಹಜ. ಆದರೆ ಇದನ್ನೇ ನೆಪವಾಗಿಟ್ಟುಕೊಳ್ಳುವ ಕೆಲವೇ ಮಂದಿ ಮೂಲಭೂತವಾದಿಗಳ ನಂಬಿಕೆಯನ್ನು ಕಾಪಾಡುವುದಕ್ಕಾಗಿ ಇಡೀ ಸಮಾಜವನ್ನು ಅಂಧಕಾರದಲ್ಲಿರಿಸುವುದು ಸಾಧುವಲ್ಲ.

ಮೇಲು ನೋಟಕ್ಕೆ ಹಾನಿಕಾರಕವಾಗಿ ಕಾಣುವ ಈ ಆಚರಣೆಗಳಲ್ಲದೆ, ಮನುಷ್ಯನ ಸಾಮಾಜಿಕ ಘನತೆಗೆ ಧಕ್ಕೆ ತರುವ, ಆರ್ಥಿಕವಾಗಿ, ಸಾಮಾಜಿಕವಾಗಿ, ಸಾಂಸ್ಕೃತಿಕವಾಗಿ ಶೋಷಣೆ ಮಾಡಲು ಸಹಕಾರಿಯಾಗುವಂತಹ, ಆಧುನಿಕತೆಯ ಮುಖವಾಡದ ಹುಸಿ ವೈಜ್ಞಾನಿಕತೆಯ ಹೆಸರಲ್ಲೂ ವ್ಯಾಪಕಗೊಳ್ಳುತ್ತಿರುವ ಹಲವಾರು ಬಗೆಯ ಆಚರಣೆಗಳು ಚಾಲ್ತಿಯಲ್ಲಿರುವುದನ್ನು ಗುರುತಿಸಬೇಕಾಗಿದೆ. ವಿಜ್ಞಾನದ ತಳಹದಿ ಇದೆಯೆಂದು ಹೇಳುವ ಮೂಲಕ ಜನರನ್ನು ತಪ್ಪುದಾರಿಗಳೆಂದು ಫಲಜ್ಯೋತಿಷ್ಯ, ವಾಸ್ತುಶಾಸ್ತ್ರ, ಯಕ್ಷಿಣಿ ವಿದ್ಯೆ, ವಶೀಕರಣ ಮುಂತಾದವುಗಳ ದುರ್ಬಳಕೆಯನ್ನು ಸದರಿ ಕಾಯ್ದೆಯ ವ್ಯಾಪ್ತಿಯೊಳಕ್ಕೆ ತರುವ ಬಗ್ಗೆ ಗಂಭೀರವಾಗಿ ಯೋಚಿಸಬೇಕಾದ ಅಗತ್ಯವಿದೆ. ಸಾಂಪ್ರದಾಯಿಕ ಆಚರಣೆಗಳ ಹೆಸರಿನಲ್ಲಿ ಜಾತಿ ತಾರತಮ್ಯವನ್ನು ಪರೋಕ್ಷವಾಗಿ ಆಚರಿಸುವ ಮೂಲಕ ಕೆಲವು ಸಮುದಾಯಗಳನ್ನು ಮತ್ತು ಮಹಿಳೆಯರನ್ನು ಹೀನಾಯವಾಗಿ ನಡೆಸಿಕೊಳ್ಳುವುದನ್ನು ಸಮರ್ಥಿಸಿಕೊಳ್ಳುವ ಮತ್ತು ಮುಂದುವರಿಸುವ ಮೌಢ್ಯಪದ್ಧತಿಗಳು ಎಲ್ಲಾ ಧರ್ಮದ ಹೆಸರಲ್ಲೂ ಸಾಗುತ್ತಿವೆ. ಬಂಜೆತನ ನಿವಾರಣೆಯಾಗಿ ಮಕ್ಕಳಾಗುತ್ತವೆಂದು ನಂಬಿಸಿ ಮಹಿಳೆಯರನ್ನು ಲೈಂಗಿಕ ಶೋಷಣೆಗೆ ಗುರಿಪಡಿಸುವುದು, ದೆವ್ವ-ಭೂತ-ಪ್ರೇತ-ಗಾಳಿ ಬಿಡಿಸುವ ಹೆಸರಿನಲ್ಲಿ ಚಿತ್ರವಿಚಿತ್ರವಾಗಿ ದೈಹಿಕ ಹಿಂಸೆ ಕೊಡುವ ವಿಕೃತಿಗಳು ಆಚರಣೆಯಲ್ಲಿವೆ. ಲಾಗಾಯ್ತಿನಿಂದ ಬೆಳೆದುಬಂದಿರುವ ಮೌಢ್ಯದ ಕಪಿಮುಷ್ಟಿಯಲ್ಲಿ ಸಿಲುಕಿರುವ ಹಿರಿಯರಾದಿಯಾಗಿ ಕಿರಿಯರವರೆಗೆ ಎಲ್ಲರನ್ನೂ ಬಿಡುಗಡೆ ಮಾಡುವ ಕುರಿತು ಹಾಗೂ ಇಂತಹ ಮೌಢ್ಯಕ್ಕೆ ಈಗಿನ್ನೂ ಸಿಲುಕಿರುವ ಎಳೆಯ ಮನಸ್ಸುಗಳಿಗೆ ಎಂತಹ ವೈಚಾರಿಕ ಪಠ್ಯಗಳನ್ನು ರೂಪಿಸಬೇಕೆಂಬುದನ್ನು ಕುರಿತು ಒಂದು ವ್ಯವಸ್ಥಿತ ಕಾರ್ಯಯೋಜನೆ ಹಾಕಿಕೊಂಡಾಗ ಮಾತ್ರ



ಸಂವಿಧಾನದ ಆಶಯಗಳು ಊರ್ಜಿತವಾಗುತ್ತವೆ. ಇಲ್ಲದಿದ್ದರೆ ಮೌಢ್ಯದ ವಿರುದ್ಧದ ಹೋರಾಟದಲ್ಲಿ ನಾವು ಯಶಗಳಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ. ಮೌಢ್ಯದ ವಿರುದ್ಧದ ಸಮರದಲ್ಲಿ ವೈಚಾರಿಕತೆ ಮತ್ತು ವೈಜ್ಞಾನಿಕ ಮನೋಧರ್ಮಗಳು ಮೇಲುಗೈ ಸಾಧಿಸಲು ಶಾಲೆಗಳಲ್ಲಿ ಜಾತ್ಯತೀತ, ಮತಾತೀತ, ಅಂಧಶ್ರದ್ಧೆಗಳಿಗೆ ಅತೀತವಾದ ಪಠ್ಯಗಳನ್ನು ರೂಪಿಸಬೇಕಾದ ಅಗತ್ಯವಿದೆ. ನಮ್ಮ ಶಾಲಾ-ಕಾಲೇಜು-ವಿಶ್ವವಿದ್ಯಾಲಯಗಳು ತಮ್ಮದೇ ಆದ ಪ್ರತ್ಯೇಕ ಸ್ಥಾಯಿಸೂಚಿಗಳೊಂದಿಗೆ ವಿದ್ಯಾರ್ಥಿಗಳಲ್ಲಿ ವೈಚಾರಿಕತೆಯನ್ನು ಬಿತ್ತುವ ಚರ್ಚೆ-ಸಂವಾದ, ವ್ಯಕ್ತಿತ್ವ ವಿಕಸನ ಶಿಬಿರ, ನಾಯಕತ್ವ ತರಬೇತಿ ಶಿಬಿರ, ವಿಚಾರ ಸಾಹಿತ್ಯ ಕಮ್ಮಟ, ವಿಚಾರ ಸಂಕಿರಣಗಳನ್ನು ಹಮ್ಮಿಕೊಳ್ಳುವ ಹಾಗೂ ವೈಚಾರಿಕ ಅಧ್ಯಯನ ಪ್ರಬಂಧಗಳನ್ನು ಪ್ರಕಟಿಸುವ, ವೈಜ್ಞಾನಿಕ ಸಂಶೋಧನೆಗಳಿಗೆ ಇಂಬುಕೊಡುವ ಹಲವಾರು ಯೋಜನೆಗಳನ್ನು ರೂಪಿಸುವಂತಾಗಬೇಕು. ಶಾಲಾ-ಕಾಲೇಜು-ವಿಶ್ವವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಆಯೋಜಿಸಲಾಗುವ ಪ್ರವಾಸಗಳನ್ನು ಮತಮೌಢ್ಯಗಳನ್ನು ಬಿತ್ತುವ ಧಾರ್ಮಿಕ ಕೇಂದ್ರಗಳನ್ನು ಹೊರತುಪಡಿಸಿದ ಐತಿಹಾಸಿಕ ಮಹತ್ವವುಳ್ಳ ಸ್ಥಳಗಳು, ನಿಸರ್ಗ ರಮಣೀಯ ತಾಣಗಳು, ಸಾಹಸ ಪ್ರವೃತ್ತಿಗಳಿಗೆ ಉತ್ತೇಜನಕಾರಿಯಾದ ಸ್ಥಳಗಳು, ಮ್ಯೂಜಿಯಂಗಳು, ವಸ್ತು ಸಂಗ್ರಹಾಲಯಗಳು, ವಿಜ್ಞಾನ ಕೇಂದ್ರಗಳು ಮುಂತಾದ ಸ್ಥಳಗಳಿಗೆ ಮಾತ್ರ ಆಯೋಜಿಸುವಂತೆ ಶೈಕ್ಷಣಿಕ ಸುತ್ತೋಲೆಗಳನ್ನು ಹೊರಡಿಸಬೇಕಾಗುತ್ತದೆ. ಪ್ರಸ್ತುತ ಕಾಯ್ದೆಯನ್ನು ರೂಪಿಸುವ ಹೊತ್ತಿನಲ್ಲಿ ಶಾಲಾ ಕಾಲೇಜುಗಳಲ್ಲಿ, ವಿಶ್ವವಿದ್ಯಾಲಯಗಳಲ್ಲಿ, ಸರ್ಕಾರಿ ಕಛೇರಿಗಳಲ್ಲಿ ಮತ್ತು ಸಾರ್ವಜನಿಕ ವಲಯಗಳಲ್ಲಿ ರೂಢಿಗೆ ತಂದಿರುವ ಮೌಢ್ಯಪೂರಿತ ಧಾರ್ಮಿಕ ಆಚರಣೆಗಳನ್ನು ನಿಷೇಧಿಸುವ ಕಡೆಗೂ ಆಲೋಚಿಸಬೇಕಾಗುತ್ತದೆ.

ಒಟ್ಟಿನಲ್ಲಿ ಅನಾರೋಗ್ಯಕರ ಸಮಾಜವನ್ನು ಸೃಷ್ಟಿಸುವ ಯಾವುದೇ ನಂಬಿಕೆ-ಆಚರಣೆಗಳನ್ನು 'ಮೌಢ್ಯ' ಎಂದು ಕರೆಯಬಹುದಾಗಿದೆ. ಇಂಥ ಆಚರಣೆ ಅಥವಾ ಸಂಪ್ರದಾಯಗಳು ಸುಲಿಗೆಕೋರ ಶಕ್ತಿಗಳ ಜೀವನೋಪಾಯದ ಮಾರ್ಗವಾದಾಗ ಅಥವಾ ವ್ಯಾಪಾರೀಕರಣಕ್ಕೆ ನೆಲೆಯಾದಾಗ ನಂಬಿಗಸ್ತ ಜನಸಾಮಾನ್ಯರನ್ನು ಶೋಷಿಸಲು ದಾರಿಯಾಗುತ್ತದೆ. ಇಂಥ ಪರಿಕಲ್ಪನೆಗಳ ಮೇಲೆ ಕಾನೂನಿನ ಹಿಡಿತವಿಲ್ಲದಿದ್ದರೆ ಮೌಢ್ಯಪೂರಿತ ಸಮಾಜಕ್ಕೆ ದಾರಿ ಮಾಡಿಕೊಟ್ಟಂತಾಗುತ್ತದೆ. ಮೂಢನಂಬಿಕೆಯ ಮೂಲಕ ಜನತೆಯ ಶ್ರದ್ಧೆಯನ್ನು ಬಂಡವಾಳ ಮಾಡಿಕೊಂಡು ಭಯ-ಅಂಜಿಕೆ-ಹೆದರಿಕೆ-ಉದ್ವೇಗಗಳನ್ನು ಸೃಷ್ಟಿಸಿ ಮಾನಸಿಕ ಹಾಗೂ ದೈಹಿಕ ಹಿಂಸೆಯನ್ನುಂಟುಮಾಡುವ ಹಾಗೂ ಮಾರಣಾಂತಿಕ ಪರಿಸ್ಥಿತಿಗಳಿಗೆ ದೂಡುವ ಯಾವುದೇ ಮೂಢನಂಬಿಕೆ, ಆಚರಣೆ, ಸಂಪ್ರದಾಯ ಹಾಗೂ ವಿಧಿ ನಿಷೇಧಗಳನ್ನು ಕಾನೂನಿನ ಮೂಲಕ ನಿಯಂತ್ರಣ ಮಾಡುವ/ನಿಷೇಧಿಸುವ ಅಗತ್ಯವಿದೆ. ಇಂಥ ಆರೋಗ್ಯವಂತ ನವಸಮಾಜದ ಮಾತ್ರ ಬೌದ್ಧಿಕವಾಗಿ ಪ್ರಬುದ್ಧವಾದ ಕರ್ನಾಟಕವನ್ನು ಕಟ್ಟಲು ಸಾಧ್ಯ.

ಮೂಢನಂಬಿಕೆ ಮತ್ತು ಧಾರ್ಮಿಕ ಶ್ರದ್ಧೆ ನಡುವಿನ ಅಂತರ ತೀರಾ ತೆಳುವಾದದ್ದಾದರೂ ಇವೆರಡರ ನಡುವಿನ ವ್ಯತ್ಯಾಸವನ್ನು ಗುರುತಿಸುವ ಕೆಲಸ ಅತ್ಯಂತ ಜರೂರಾಗಿ ಆಗಬೇಕಿದೆ. ಹೀಗೆ ಗುರುತಿಸಲು ನಮಗೆ ಸಂವಿಧಾನಬದ್ಧವಾದ ಮೂಲಭೂತ ಕರ್ತವ್ಯಗಳು ಮತ್ತು ಮಾನವ ಹಕ್ಕುಗಳ ಪರಿಕಲ್ಪನೆಗಳು ಹಾಗೂ ನಮ್ಮ ಬಹುಮುಖಿ ಸಂಸ್ಕೃತಿಯ ನೆಲೆಗಳು ಒಂದು ವಿಶಾಲ ಭಿತ್ತಿಯನ್ನು ಒದಗಿಸಬಹುದು. ಯಾವ ಮೂಢನಂಬಿಕೆಯ ಆಚರಣೆಗಳು ದೈಹಿಕ ಮತ್ತು ಮಾನಸಿಕ ಹಿಂಸೆಗೆ ಕಾರಣವಾಗುತ್ತವೆಯೋ, ಮಾನವನ ಸಾಮಾಜಿಕ ಘನತೆ-ಗೌರವಕ್ಕೆ ಧಕ್ಕೆಯನ್ನುಂಟುಮಾಡುತ್ತವೆಯೋ ಹಾಗೂ ಆರ್ಥಿಕವಾಗಿ ಸಹಮಾನವರನ್ನು ಶೋಷಿಸಲು ವಂಚಕ ಶಕ್ತಿಗಳಿಂದ ಬಳಕೆಯಾಗುತ್ತವೆಯೋ, ಅವುಗಳನ್ನು ಈ ವಿಧೇಯಕದ ವ್ಯಾಪ್ತಿಯೊಳಗೆ ತರಬಹುದು. ಹಾಗೆಯೇ, ಸಾಮಾನ್ಯವಾಗಿ ಇಂಥ ಆಚರಣೆಗಳು ಮಹಿಳೆ, ಮಕ್ಕಳು, ದಲಿತರು, ಧಾರ್ಮಿಕ ಅಲ್ಪಸಂಖ್ಯಾತರು ಮತ್ತು ಬಡವರನ್ನೇ ಬಲಿಪಶುಗಳನ್ನಾಗಿಸುವುದರಿಂದ

ಇವುಗಳ ವಿರುದ್ಧ ಗಂಭೀರವಾದ ಉಪಕ್ರಮಗಳ ಅಗತ್ಯವಿರುತ್ತದೆಯೆಂಬುದನ್ನು ಈ ವಿಧೇಯಕ ರೂಪಿಸುವ ಹೊತ್ತಿನಲ್ಲಿ ಮನಗಾನಬೇಕಾಗಿರುತ್ತದೆ.

ಈ ಅಂಶಗಳನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು, ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ನಿಷೇಧಕ್ಕೆ ತತ್ಸಂಬಂಧಿಸಿದ ಕಾನೂನು ಉಪಕಂಡಿಕೆಗಳು ಹಾಗೂ ಶಿಕ್ಷಾರ್ಹ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಒಳಗೊಳ್ಳಬೇಕಾದ ಮುಖ್ಯಾಂಶಗಳ ನಿರೂಪವನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ರೂಪಿಸಬಹುದು.

**ನಿಷೇಧಾರ್ಹ ಮತ್ತು ಶಿಕ್ಷಾರ್ಹ ಮೌಢ್ಯಗಳ ತತ್ಸಂಬಂಧಿ ಕಾನೂನು ಸ್ವರೂಪ ಸೂಚಿ:**

1. ಯಾವುದೇ ಮತಧರ್ಮಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಮೌಢ್ಯ ಪ್ರೇರಕ ಜ್ಯೋತಿಷ್ಮರ್ಮ, ಮಾಟಮಂತ್ರ, ಮೋಡಿ-ರಣಮೋಡಿ, ಬಾನಾಮತಿ, ವಶೀಕರಣ, ವಾಮಾಚಾರ, ಯಕ್ಷಿಣಿ ವಿದ್ಯೆ, ಮಂದಿರಗಳಲ್ಲಿ ದೈವೀಪ್ರಶ್ನೆ ಕೇಳುವುದು-ನುಡಿಯುವುದು, ಪಾದಪೂಜೆ-ಅಡ್ಡಪಲ್ಲಕಿ ಸೇವೆ ಮುಂತಾದ ಧಾರ್ಮಿಕ ವ್ಯಾಪಾರಗಳನ್ನು ನಿಷೇಧಿಸಬೇಕು.
2. ಜನತೆಯ ಸಾಮಾಜಿಕ ಸಾಮರಸ್ಯವನ್ನು ಕಲಕುವ, ಜಾತಿ-ಲಿಂಗ-ವರ್ಗ ತಾರತಮ್ಯಗಳನ್ನು ಎತ್ತಿ ಹಿಡಿಯುವ, ಮನುಜ-ಮನುಜರ ನಡುವೆ ಭೇದ ಸೃಷ್ಟಿಸುವ, ಮೇಲು-ಕೀಳು ಎಂಬ ಭಾವನೆಗಳನ್ನು ಪ್ರಚೋದಿಸುವ ಸ್ವಶ್ಚಾಸ್ವಶ್ಚ ಭಾವನೆಗೆ ದೂಡುವ ಅಥವಾ ಪ್ರಚೋದಿಸುವ, ಮನುಷ್ಯನ ಘನತೆಗೆ ಧಕ್ಕೆ ತರುವ ಯಾವುದೇ ಮೂಢನಂಬಿಕೆ, ಕಂದಾಚಾರ, ಗೊಡ್ಡು ಸಂಪ್ರದಾಯಗಳು (ಉದಾ. ಅಜಲು ಪದ್ಧತಿ, ಗೆಜ್ಜೆಪೂಜೆ ಅಥವಾ ಬೆತ್ತಲೆಸೇವೆ, ಮಡೆಸ್ನಾನ) ಇತ್ಯಾದಿ ಆಚರಣೆಗಳು ನಿಷೇಧಾರ್ಹವಾಗಬೇಕು.
3. ಸಾಮೂಹಿಕವಾಗಿ ಆಚರಿಸುವ ಯಾವುದೇ ಆಚರಣೆ-ಸಂಪ್ರದಾಯಗಳ ಸಂದರ್ಭದಲ್ಲಿ ಮಡಿ-ಮೈಲಿಗೆ ನೆಪದಲ್ಲಿ ಯಾವುದೇ ಜಾತಿಯ ಜನತೆಯನ್ನು ಹೊರಗಿಡುವ, ಮಾತನಾಡಿಸದಿರುವ, ಮುಟ್ಟದಿರುವ, ಭಕ್ತರಿಂದ ತೊಗಲು ಪ್ರದರ್ಶಕ ಅರೆಬೆತ್ತಲೆ ದೇವದರ್ಶನ ಮಾಡಿಸುವ, ಪ್ರತ್ಯೇಕ ಪಂಕ್ತಿ ಭೋಜನ ಮಾಡುವ ಸಂಪ್ರದಾಯಗಳು ನಿಷೇಧಾರ್ಹವಾಗಬೇಕು.
4. ಬಂಜೆತನ ಅನಿಷ್ಟವೆಂಬ ಮೌಢ್ಯದ ವಿಚಾರ ಮುಂದು ಮಾಡಿ 'ಸಂತಾನ ಭಾಗ್ಯ' ಒದಗಿಸುವುದಾಗಿ ಹೇಳುವ ಅಥವಾ ನಿಧಿ ಸಂಪಾದನೆ ಮಾಡಿಕೊಡುವುದಾಗಿ ಹೇಳಿ ಮಹಿಳೆಯರನ್ನು ಲೈಂಗಿಕವಾಗಿ ಬಳಸಿಕೊಳ್ಳುವುದು, ನಿಧಿಗಾಗಿ ಅಥವಾ ವಾಸ್ತುದೋಷ ಪರಿಹಾರಕ್ಕಾಗಿ ನರಬಲಿ ಅಥವಾ ಪಶುಬಲಿ ನೀಡುವುದು, ಬೆತ್ತಲೆ ಸೇವೆ, ಹೆಣ್ಣುಮಕ್ಕಳಿಗೆ ಮತ್ತು ಕಟ್ಟಿಸಿ-ಓಕುಳಿಯಾಡಿ ಬಸವಿ ಬಿಡುವ ಪದ್ಧತಿ ಪಾಲನೆ ಅಥವಾ ಮಳೆ-ಬೆಳೆ ನೆಪದಲ್ಲಿ ಮಹಿಳೆಯರನ್ನು ವ್ಯಭಿಚಾರಕ್ಕೆಳೆಯುವುದು, ಮುಟ್ಟು-ಪ್ರಸವ ಕಾಲದಲ್ಲಿ ಹೆಣ್ಣುಮಕ್ಕಳನ್ನು ಊರ ಹೊರಗಡೆಯಲ್ಲಿ ಇರಿಸುವುದು, ಸಾರ್ವಜನಿಕ ಪೂಜಾ ಸ್ಥಳಗಳಿಗೆ ಮಹಿಳೆ ಅಥವಾ ಪುರುಷರನ್ನು ಬರದಂತೆ ತಡೆಯುವುದು ಮುಂತಾದ ಸಮಾಜ ವಿರೋಧಿ ಆಚರಣೆಗಳೆಲ್ಲಾ ನಿಷೇಧಾರ್ಹವಾಗಬೇಕು.

**ಶಿಕ್ಷಾರ್ಹ ಹಾಗೂ ನಿಯಂತ್ರಣಾರ್ಹ ಮೌಢ್ಯಗಳ ನಿರೂಪ ಸೂಚಿ:**

ಪ್ರಜಾಸತ್ತಾತ್ಮಕ ಭಾರತ ದೇಶದಲ್ಲಿ ಪ್ರಜೆಗಳು ತಮ್ಮ-ತಮ್ಮ ನಂಬಿಕೆಗಳಿಗೆ ಅನುಸಾರ ಸಾಮಾಜಿಕ ಆರೋಗ್ಯವು ಕೆಡದಂತೆ ಧಾರ್ಮಿಕ ಶ್ರದ್ಧೆ ತೋರುವ ಸ್ವಾತಂತ್ರ್ಯವನ್ನು ನಮ್ಮ ಸಂವಿಧಾನ ಕರುಣಿಸಿದೆ. ಹೀಗಿರುವಾಗ ಜನರೇ ತಮ್ಮ ಸ್ವ-ಇಚ್ಛೆಯಿಂದ ಇಂಥ ಆಚರಣೆಗಳಿಗೆ ಬಲಿಯಾಗುತ್ತಿದ್ದಾರೆ ಎನ್ನುವುದು

ಮೂಢನಂಬಿಕೆಯ ಕುರಿತು ಮಾತನಾಡುವಾಗ ಸಾಮಾನ್ಯವಾಗಿ ಪ್ರಸ್ತಾಪಿಸಲಾಗುವ ವಿಚಾರ. ಇದು ನಿಜವೇ ಆದರೂ, ಮೂಢನಂಬಿಕೆಗೆ ಬಲಿಯಾದ ಅಮಾಯಕರೇ ಈ ಕಾನೂನಿನಿಂದ ಶಿಕ್ಷೆಗೆ ಗುರಿಯಾಗುವಂತಾಗಬಾರದು. ಶ್ರೀಸಾಮಾನ್ಯರನ್ನು ಬಲಿಪಶುವಾಗಿಸುವ ಧಾರ್ಮಿಕ ವ್ಯಕ್ತಿ/ಶಕ್ತಿಗಳನ್ನು ಕಾನೂನಿನ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡಿಸಬೇಕು. ಮೂಢನಂಬಿಕೆಗಳನ್ನು ಎಲ್ಲಾ ಧರ್ಮಗಳು ಒಂದಲ್ಲಾ ಒಂದು ರೀತಿಯಲ್ಲಿ ಆಚರಣೆಯಲ್ಲಿಟ್ಟಿರುವುದರಿಂದ ಈ ವಿಧೇಯಕವು ಎಲ್ಲ ಧರ್ಮಗಳಲ್ಲಿರುವ ಮೌಢ್ಯಗಳಿಗೆ ಅನ್ವಯಿಸುವಂತಿರಬೇಕು.

1. ಯಾವುದೇ ಮತಧರ್ಮದ ಧಾರ್ಮಿಕ ಪಂಥಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ವಾಸ್ತು, ಫಲ ಜ್ಯೋತಿಷ್ಯ, ಜಾತಕ, ಕುಂಡಲಿನಿ, ಹಸ್ತಸಾಮುದ್ರಿಕೆ, ಕಣಿ-ಶಕುನ ನುಡಿಯುವುದು/ಕೇಳುವುದು, ಮಠ-ಮಂದಿರ-ಗುರುಪೀಠ-ಗದ್ದಿಗೆಗಳಲ್ಲಿ ಅತೀಂದ್ರಿಯ ಧಾರ್ಮಿಕ ಶಕ್ತಿಗಳ ಮೈದುಂಬಿ ದೈವಪ್ರಶ್ನೆ ಹೇಳುವುದು/ಕೇಳುವುದು, ಕಾಲನಿರ್ಣಯ(ಕಾಲಜ್ಞಾನ), ಪ್ರಾಣಿವಧೆ, ಗಾವು ಸಿಗಿಯುವುದು, ಪವಾಡ ಮುಂತಾದವು ಈ ವಿಧೇಯಕದ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಟ್ಟಿವೆ ಎಂದು ಘೋಷಿಸಬೇಕು. ಇಂಥವುಗಳನ್ನು ನಡೆಸುವವರೂ ಅಥವಾ ನಡೆಸುವ ಸಂಘ, ಸಂಸ್ಥೆ, ಟ್ರಸ್ಟ್ ಮುಂತಾದವು ಈ ವಿಧೇಯಕದ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಟ್ಟಿದ್ದು ಅಂಥವರು ಅಥವಾ ಅಂತಹ ಸಂಘ-ಸಂಸ್ಥೆಗಳು ನಡೆಸುವ ಧಾರ್ಮಿಕ ವ್ಯಾಪಾರ ಮತ್ತು ಮೂಢಾಚಾರ ಚಟುವಟಿಕೆಗಳು ಕಾನೂನುಬಾಹಿರ ಅಪರಾಧ ಕೃತ್ಯಗಳೆಂದು ಘೋಷಿಸುವಂತಾಗಬೇಕು. ಇಲ್ಲಿಯವರೆಗೆ ಚಾಲ್ತಿಯಲ್ಲಿರುವ ಇಂತಹ ಧಾರ್ಮಿಕ ವ್ಯಾಪಾರನಿರತ ವ್ಯಕ್ತಿಗಳು ಮತ್ತು ಸಂಘ-ಸಂಸ್ಥೆಗಳು ಸಕ್ಷಮ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ನಿಯಮಾನುಸಾರ ನೋಂದಣಿ ಮಾಡಿಕೊಳ್ಳುವಂತಾಗಬೇಕು.
2. ಜನತೆಯ ಧಾರ್ಮಿಕ ಶ್ರದ್ಧೆಯನ್ನು ಬಂಡವಾಳ ಮಾಡಿಕೊಂಡು ಮೌಢ್ಯದ ಆಚರಣೆ, ಗೊಡ್ಡು ಸಂಪ್ರದಾಯ, ಕಂದಾಚರಣೆಗಳನ್ನು ಬಿತ್ತುವ, ಭಯ-ಅಂಜಿಕೆ-ಉದ್ವೇಗಗಳನ್ನು ಸೃಷ್ಟಿಸುವ, ಮಾನಸಿಕ ಹಾಗೂ ದೈಹಿಕ ಹಿಂಸೆಯನ್ನುಂಟುಮಾಡುವ, ಯಾವುದೇ ಧರ್ಮದ ಅಥವಾ ಸ್ವಯಂಘೋಷಿತ 'ಪರಿಚಾರಕ' ಅಥವಾ 'ಪರಿಚಾರಿಕೆ'ಯರನ್ನು (ಜ್ಯೋತಿಷಿಗಳು, ಮುಲ್ಲಾಗಳು, ಬಾಬಾಗಳು, ಪಾದ್ರಿಗಳು, ಪಂಚಾಂಗದಯ್ಯನವರು, ಸಾರುವಯ್ಯನವರು ಮುಂತಾದವರನ್ನು) ಈ ವಿಧೇಯಕದ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡಿಸಬೇಕು.
3. ಜನತೆಯ ನಂಬಿಕೆ-ಆಚರಣೆ-ಸಂಪ್ರದಾಯಗಳನ್ನು ಬಳಸಿಕೊಂಡು ಅವರ ಪ್ರಶ್ನೆಗಳಿಗೆ ಪರಿಹಾರಗಳನ್ನು ಒದಗಿಸುವ ನೆಪದಲ್ಲಿ ಶೋಷಿಸುವ ಮತ್ತು ಇಲ್ಲಸಲ್ಲದ ಆಮಿಷಗಳನ್ನು ತೋರಿ ಪರಿಹಾರ ಒದಗಿಸುವ ಭರವಸೆ ನೀಡುವುದನ್ನು (ಉದಾ: ವಾಸ್ತುದೋಷ ನಿವಾರಣೆ, ಜಾತಕದೋಷ ನಿವಾರಣೆ, ಗ್ರಹಗತಿ ನಿವಾರಣೆ ಮುಂತಾದವು) ಗ್ರಾಹಕರಿಗೆ ನೀಡುವ ಸೇವೆ ಎಂದು ಪರಿಗಣಿಸಿ, ಇವುಗಳನ್ನು 'ಗ್ರಾಹಕರ ಕಾಯ್ದೆ'ಯ ಅಡಿಯಲ್ಲಿ ತರುವ ಪ್ರಯತ್ನಗಳನ್ನು ಮಾಡಬೇಕಾಗಿದೆ. ಈ ಸೇವೆಗಳನ್ನು ಒದಗಿಸುವವರ ಮೇಲೆ ನಿಗಾಯಿರಿಸುವುದರ ಜೊತೆಗೆ ಇಂಥ ಸೇವೆಗಳನ್ನು ನೀಡುವುದಾಗಿ ಜಾಹಿರಾತು ನೀಡುವ ಮತ್ತು ಸಾರ್ವಜನಿಕವಾಗಿ ಆಧ್ಯಾತ್ಮದ ಹೆಸರಿನಲ್ಲಿ ಜನರನ್ನು ಸಮಾವೇಶಗೊಳಿಸುವ ವ್ಯಕ್ತಿಗಳು ಮತ್ತು ಸಂಘ-ಸಂಸ್ಥೆಗಳು ಸಕ್ಷಮ ನೋಂದಣಿ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ಕಡ್ಡಾಯವಾಗಿ ನೋಂದಣಿ ಮಾಡಿಸಿಕೊಳ್ಳುವಂತಾಗಬೇಕು.
4. ಮೌಢ್ಯದ ಹೆಸರಿನಲ್ಲಿ ಗುಲಾಮಗಿರಿ, ಅಸ್ವಶೃತೆಯನ್ನು ಎತ್ತಿ ಹಿಡಿಯುವ, ಜಾತಿ-ಧರ್ಮಗಳ ನಡುವೆ ವೈಷಮ್ಯ ಹರಡುವ, ಮಕ್ಕಳು, ಹೆಂಗಸರನ್ನು ಹಿಂಸೆಗೆ ಒಳಪಡಿಸುವ, ಕೆಲವೇ ಧಾರ್ಮಿಕ ಗುಂಪುಗಳ ಹಿತಾಸಕ್ತಿಯನ್ನು ಕಾಪಾಡುವ ಪ್ರಕ್ರಿಯೆಗೆ ಮುಂದಾಗುವವರನ್ನು ಹಾಗೂ ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಸಂಸ್ಥೆಯ ಯೋಜಕರನ್ನು (ಆಡಳಿತ ಮಂಡಳಿ) ಶಿಕ್ಷೆಗೆ ಗುರಿಪಡಿಸುವಂತಾಗಬೇಕು.

5. ಯಾವುದೇ ಸಂಘ-ಸಂಸ್ಥೆ, ವ್ಯಕ್ತಿ ಅಥವಾ ಬಣ ಅಥವಾ ಟ್ರಸ್ಟ್ ಮೌಢ್ಯವನ್ನು ಆಚರಿಸುತ್ತಿದ್ದರೆ ಅಥವಾ ಬೆಂಬಲ ನೀಡುತ್ತಿದ್ದರೆ, ಪ್ರಚಾರ ಮಾಡುತ್ತಿದ್ದರೆ ಅಥವಾ ಇಂಥದಕ್ಕೆ ಸಹಕರಿಸುತ್ತಿದ್ದರೆ (ದೂರದರ್ಶನ ವಾಹಿನಿಗಳು, ರೇಡಿಯೋ, ಚಲನಚಿತ್ರ, ಅಂತರ್ಜಾಲ ತಾಣ, ವೆಬ್‌ಸೈಟ್, ಪುಸ್ತಕ ಪ್ರಕಟಣೆ, ಪತ್ರಿಕೆಗಳು ಮುಂತಾದ ಪ್ರಸಾರ ಮಾಧ್ಯಮಗಳೂ ಸೇರಿದಂತೆ) ಅದು ಕಾನೂನು ಬಾಹಿರ ವರ್ತನೆಯೆಂದು ಪರಿಗಣಿಸುವಂತಾಗಬೇಕು.
6. ಸಂಪ್ರದಾಯ ಮತ್ತು ಆಚರಣೆಗಳ ಅಪಗ್ರಹಿಕೆ, ಧಾರ್ಮಿಕ ಅಪಕಲ್ಪನೆ ಮತ್ತು ಅಂಧಶ್ರದ್ಧೆಯಿಂದ ಮನುಷ್ಯರನ್ನು ದೇವರೆಂದು ಅಥವಾ ದೇವಮಾನವರೆಂದು ಬಿಂಬಿಸುವ, ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಂಬಿಕೆಗಳನ್ನು ಹುಟ್ಟಿಹಾಕುವ, ಮತಮೌಢ್ಯದ ಕಂದಾಚಾರಗಳನ್ನು ಕಾನೂನು ಪ್ರಕಾರ ನಿಷೇಧಿಸುವಂತಾಗಬೇಕು ಮತ್ತು ಇಂಥ ಚಟುವಟಿಕೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದವರನ್ನು ಕಾನೂನು ಪ್ರಕಾರ ಶಿಕ್ಷಾರ್ಹವಾಗಿಸಬೇಕು.
7. ಮನುಷ್ಯರ ಕಷ್ಟಗಳ ಪರಿಹಾರದ ಕಾರಣಕ್ಕಾಗಿ, ಧನ ಪ್ರಾಪ್ತಿಗಾಗಿ, ಲೋಕಕಲ್ಯಾಣದ ಹೆಸರಿನಲ್ಲಿ ಧಾರ್ಮಿಕ ಅಂಧಶ್ರದ್ಧೆಯನ್ನು ಉದ್ದೀಪಿಸುವ, ಮೂಢನಂಬಿಕೆಯಿಂದಾಗಿ ಪ್ರಾಣಿಗಳನ್ನು ಸಾರ್ವಜನಿಕ ದೇವಮಂದಿರಗಳ ಆವರಣದಲ್ಲಿ ಬಲಿ ಕೊಡುವುದು, ದನ-ಕುರಿ-ಮೇಕೆ-ನಾಯಿ ಇತ್ಯಾದಿ ಜಾನುವಾರುಗಳಿಗೆ ರೋಗ ಬಂದಾಗ ಅವುಗಳಿಗೆ ಬರೆ ಹಾಕುವುದು, ಕಿವಿ ಕತ್ತರಿಸಿ ಹಾಕುವುದು ಇಂಥ ಮೌಢ್ಯದ ಹಿಂಸಾತ್ಮಕ ಕಾರ್ಯಗಳು ಈ ವಿಧೇಯಕದ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡಬೇಕು.
8. ಅಂಧಶ್ರದ್ಧೆಯ ಆಚರಣೆಗಳಾದ ಅಗ್ನಿದಿವ್ಯದ ಮೂಲಕ ಪ್ರಮಾಣ ಮಾಡಿಸುವುದು, ಆರೋಪಿತ ವ್ಯಕ್ತಿಯನ್ನು ಅವೈಜ್ಞಾನಿಕ ಪರಿಕಲ್ಪನೆಯ ಮೂಲಕ ಪರೀಕ್ಷಿಸುವುದು ಹಾಗೂ ಅವೈಜ್ಞಾನಿಕವಾಗಿ ನ್ಯಾಯ ತೀರ್ಮಾನಗಳನ್ನು ಮಾಡುವುದು (ಕಾಫ್ ಪಂಚಾಯತ್ ನ್ಯಾಯನಿರ್ಣಯ, (ಅವ) ಮರ್ಯಾದಾ ಹತ್ಯೆ, ಗಡಿಪಾರು, ಸಾಮಾಜಿಕ ಬಹಿಷ್ಕಾರ ಮುಂತಾದವು) ಈ ವಿಧೇಯಕದ ಪ್ರಕಾರ ಅಪರಾಧ ಮತ್ತು ಶಿಕ್ಷಾರ್ಹವೆಂದು ಘೋಷಿಸಬೇಕು.
9. ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರೂಪಿಸುವ ಪ್ರಸ್ತುತ ವಿಧೇಯಕದಲ್ಲಿ ಅಪರಾಧಿಗಳಿಗೆ ವಿಧಿಸುವ ಶಿಕ್ಷೆಯ ಸ್ವರೂಪ ಮತ್ತು ಪ್ರಮಾಣಗಳು ಗಂಭೀರವಾಗಿರಬೇಕೇ ವಿನಃ ನೆಗಪಾಟಲಿಗೀಡಾಗುವಂತಿರಬಾರದು. ಮಹಾರಾಷ್ಟ್ರ ಸರ್ಕಾರ ರೂಪಿಸಿರುವ ಇಂಥ ಕಾಯ್ದೆಯ ಮೊದಲ ಕರುಡುವಿನಲ್ಲಿ ಈ ವಿಧೇಯಕವನ್ನು ಉಲ್ಲಂಘಿಸಿದವರಿಗೆ ಏಳು ವರ್ಷ ಜೈಲು ಶಿಕ್ಷೆ ಹಾಗೂ 50,000 ರೂಪಾಯಿ ಜುಲ್ಮಾನೆ ಎಂದು ಶಿಫಾರಸು ಮಾಡಲಾಗಿತ್ತು. ಆದರೆ ಅಂತಿಮವಾಗಿ ಅದು ಜಾರಿಗೆ ಬಂದಾಗ ಜುಲ್ಮಾನೆ ಅಷ್ಟೇ ವಿಧಿಸಲಾಗಿದ್ದು ಶಿಕ್ಷೆಯ ಅವಧಿಯನ್ನು ಆರರಿಂದ ಏಳು ತಿಂಗಳು ಎಂದು ನಿಗದಿ ಮಾಡಲಾಗಿದೆ, ಇದು ಸೂಕ್ತವಲ್ಲ. ಶಿಕ್ಷೆಯ ಅವಧಿಯನ್ನು ಹೆಚ್ಚುಗೊಳಿಸುವುದು ಸೂಕ್ತವಾಗಿದೆ.
10. ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಯನ್ನು ಉಪಯೋಗಿಸಿಕೊಂಡು ಸಾಮಾಜಿಕ ಬದಲಾವಣೆಗೆ ಯತ್ನಿಸುವವರಿಗೆ ರಕ್ಷಣೆ ಒದಗಿಸುವ ನಿಬಂಧನೆಯೊಂದು ಈಗಾಗಲೇ ಜಾರಿಯಲ್ಲಿರುವಂತೆ ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವವನ್ನು ಗಂಭೀರವಾಗಿ ನೆಲೆಗೊಳಿಸಲು ಮುಂದಾಗುವವರಿಗೂ ಇದೇ ರೀತಿಯ ಕಾನೂನಾತ್ಮಕ ರಕ್ಷಣೆಯನ್ನು ಒದಗಿಸುವುದು ಅನಿವಾರ್ಯ.

**ಸರಕಾರವು ಮಾಡಬೇಕಾದ ಇತರ ಕಾರ್ಯಗಳ ಸ್ವರೂಪ ಸೂಚಿ :**

1. ನಾಟಕ, ಬೀದಿನಾಟಕ, ಯಕ್ಷಗಾನ, ಕರಪತ್ರ, ಗೋಡೆ ಬರಹ, ರೇಡಿಯೋ, ಅಂತರ್ಜಾಲ ತಾಣ, ಸಿನಿಮಾ, ಪತ್ರಿಕೋದ್ಯಮ, ಪುಸ್ತಕ ಪ್ರಕಾಶನ, ದೂರದರ್ಶನ ಧಾರಾವಾಹಿ, ಸಾಕ್ಷಚಿತ್ರ-ಕಿರುಚಿತ್ರ ನಿರ್ಮಾಣ, ಸಾರ್ವಜನಿಕ ಜಾಹಿರಾತು, ಪಠ್ಯಕ್ರಮ, ಸಭೆ-ಸಮಾವೇಶ-ವಿಚಾರ ಸಂಕಿರಣ ಮುಂತಾದ ಮಾಧ್ಯಮಗಳನ್ನು ಬಳಸಿಕೊಂಡು ಮೌಢ್ಯಗಳನ್ನು ತೊಡೆದುಹಾಕಲು ಒಂದು ಅಭಿಯಾನದ ರೀತಿಯಲ್ಲಿ ವ್ಯಾಪಕ ಪ್ರಚಾರ ಮಾಡಬೇಕು.
2. ಮೌಢ್ಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಿಚಾರಗಳನ್ನು ತೊಡೆದುಹಾಕಲು ಶಾಲಾ-ಕಾಲೇಜುಗಳ ಪಠ್ಯಗಳಲ್ಲಿ ವೈಚಾರಿಕತೆಯನ್ನು ಬಿತ್ತುವ, ವೈಜ್ಞಾನಿಕ ಮನೋಭಾವವನ್ನು ಬೆಳೆಸುವ, ಪ್ರಶ್ನಿಸುವ ಮನೋಗುಣ ಮತ್ತು ಆತ್ಮಸ್ಥೈರ್ಯವನ್ನು ತುಂಬುವ ಅರಿವಿನ ಪಠ್ಯವಿಷಯಗಳನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಸೇರಿಸುವಂತಾಗಬೇಕು.
3. ಪರಂಪರಾನುಗತವಾಗಿ ಬಂದ ಜನಪದ ಕಲೆಗಳು, ನಂಬಿಕೆ, ಆಚರಣೆ, ಸಂಪ್ರದಾಯ ಮುಂತಾದವುಗಳು ಧಾರ್ಮಿಕ ಸ್ವರೂಪದವುಗಳಾಗಿದ್ದು ದೇವರು-ಧರ್ಮದೊಂದಿಗೆ ಸಂಬಂಧವನ್ನು ಸಾಧಿಸಿವೆ. ಇಂಥವುಗಳಿಂದ ಜನಪದ ಕಲೆಗಳನ್ನು ಬೇರ್ಪಡಿಸುವ ಕಾರ್ಯ ಆಗಬೇಕಿದೆ. ಆಗ ಮೌಢ್ಯಭರಿತ ನಂಬಿಕೆಗಳು, ಕಂದಾಚಾರಗಳು ನಿಷ್ಪ್ರಿಯವಾಗುತ್ತವೆ. ಇಂಥ ಸುಧಾರಣವಾದಿ ಪ್ರಕ್ರಿಯೆಗೆ ವ್ಯಾಪಕ ಚಾಲನೆ ನೀಡಬೇಕು. ಜಾನಪದ ಮತ್ತು ಯಕ್ಷಗಾನ ಅಕಾಡೆಮಿ, ಕನ್ನಡ ಮತ್ತು ಸಂಸ್ಕೃತಿ ಇಲಾಖೆ ಹಾಗೂ ಜಾನಪದ ವಿಶ್ವವಿದ್ಯಾನಿಲಯ ಅಧಿಕೃತವಾಗಿ ಇಂಥ ಜವಾಬ್ದಾರಿಯನ್ನು ಹೊತ್ತು ನಿರ್ವಹಿಸುವಂತಾಗಬೇಕು. ಜತೆಗೆ ಇತರ ಸಾರ್ವಜನಿಕ ಮತ್ತು ಖಾಸಗಿ ಸಂಘಸಂಸ್ಥೆಗಳು, ಪ್ರಾಧಿಕಾರಗಳು, ಅಕಾಡೆಮಿಗಳು, ನಿಗಮ-ಮಂಡಳಿಗಳು, ಆಡಳಿತ ಯಂತ್ರಾಂಗದ ಅಂಗಭಾಗಗಳು, ನ್ಯಾಯಾಲಯ ಮುಂತಾದವುಗಳು ತಮ್ಮ ತಮ್ಮ ಕ್ಷೇತ್ರದ ಒಳಗಿರುವ ಮೌಢ್ಯಗಳನ್ನು ಕಳೆಯಲು ಮುಂದಾಗಬೇಕು.
4. ಮೌಢ್ಯ ರಹಿತ ಪ್ರಬುದ್ಧ ಕರ್ನಾಟಕವನ್ನು ಕಟ್ಟಲು ಹಾಗೂ ಅಭಿವೃದ್ಧಿಶೀಲ ಕರ್ನಾಟಕವನ್ನು ರೂಪಿಸಲು 'ವೈಜ್ಞಾನಿಕ ಮಾರ್ಗಪ್ರಾಧಿಕಾರ'ವನ್ನು ಸ್ಥಾಪಿಸಬೇಕು ಮತ್ತು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಮೌಢ್ಯ ನಿರ್ಮೂಲನದ ಜವಾಬ್ದಾರಿಯೊಂದಿಗೆ, ಸರಕಾರಿ-ಅರೆಸರ್ಕಾರಿ ಹಾಗೂ ಸರಕಾರೇತರ ಸಂಘ-ಸಂಸ್ಥೆಗಳಲ್ಲಿ, ಅನುದಾನಿತ-ಅನುದಾನರಹಿತ ಸಾರ್ವಜನಿಕ ವಲಯಗಳಲ್ಲಿ ಮೂಢನಂಬಿಕೆ ಆಚರಣೆಗಳ ವಿರುದ್ಧ ಕಾರ್ಯಾಚರಣೆ ಮತ್ತು ಮೇಲ್ವಿಚಾರಣೆಯ ಅಧಿಕಾರ ಹಾಗೂ ಒಂದು ಹಂತದವರೆಗೆ ಕಾನೂನಾತ್ಮಕವಾಗಿ ಶಿಕ್ಷಿಸುವ ಅಧಿಕಾರವನ್ನು ನೀಡಬೇಕು.

## 4. Bibliography

### ಕನ್ನಡ ಪರಾಮರ್ಶನ ಗ್ರಂಥಗಳು

1. ಡಾ. ಅಂಬೇಡ್ಕರ್ ಬರಹಗಳು ಮತ್ತು ಭಾಷಣಗಳು. ಸಂಪುಟ 7, ಮಹಾರಾಷ್ಟ್ರ ಸರ್ಕಾರ.
2. ಬರಗೂರು ರಾಮಚಂದ್ರಪ್ಪ .‘ಉಪಸಂಸ್ಕೃತಿ ಅಧ್ಯಯನ’, ಕರ್ನಾಟಕ ಸಾಹಿತ್ಯ ಅಕಾಡೆಮಿ 1993.
3. ಹಿ.ಜಿ. ಬೋರಲಿಂಗಯ್ಯ, ‘ಉಜ್ಜಿನಿ ಚೌಡಮ್ಮ’ ಕನ್ನಡ ಪುಸ್ತಕ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು 1979.
4. ಚಂದ್ರಶೇಖರ ಕಂಬಾರ. (ಸಂ) ‘ಕನ್ನಡ ಜಾನಪದ ವಿಶ್ವಕೋಶ’, ಕ.ಸಾ.ಪ ಬೆಂಗಳೂರು 1985.
5. ಚೆನ್ನಣ್ಣ ವಾಲೀಕಾರ ‘ಹೈದರಾಬಾದ್ ಕರ್ನಾಟಕ ಗ್ರಾಮದೇವತೆಗಳ ಜಾನಪದೀಯ ಅಧ್ಯಯನ’, ದಲಿತ ಬಂಡಾಯ ಸಾಹಿತ್ಯ ಪ್ರಕಾಶನ, ಗುಲ್ಬರ್ಗ 1998.
6. ಎಂ.ಚಿದಾನಂದಮೂರ್ತಿ. ‘ಮಧ್ಯಕಾಲೀನ ಕರ್ನಾಟಕದ ಕೆಲವು ರಹಸ್ಯ ತಾಂತ್ರಿಕ ಪಂಥಗಳು’ ಸಂಶೋಧನಾ ತರಂಗ, ಬೆಂಗಳೂರು ವಿಶ್ವವಿದ್ಯಾಲಯ, ಬೆಂಗಳೂರು.
7. ಎಂ. ಚಿದಾನಂದಮೂರ್ತಿ. ‘ಮಧ್ಯಕಾಲೀನ ಕನ್ನಡ ಸಾಹಿತ್ಯ ಮತ್ತು ಅಸ್ವಶ್ಯತೆ’, ಪ್ರಸಾರಾಂಗ, ಕರ್ನಾಟಕ ವಿಶ್ವವಿದ್ಯಾಲಯ, ಧಾರವಾಡ 1985.
8. ದೇವನೂರ ಮಹಾದೇವ. ‘ಎದೆಗೆ ಬಿದ್ದ ಅಕ್ಷರ’, ಅಭಿನವ ಪ್ರಕಾಶನ, ಬೆಂಗಳೂರು 2012.
9. ದೇವಿಪ್ರಸಾದ್ ಚಟ್ಟೋಪಾಧ್ಯಾಯ. ‘ಲೋಕಾಯತೆ’, ನವದೆಹಲಿ 1958.
10. ಗೋವಿಂದ ‘ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆಯ ಜಾನಪದ ದೈವಗಳು’ ಪ್ರಸಾರಾಂಗ, ಕನ್ನಡ ವಿಶ್ವವಿದ್ಯಾಲಯ, ಹಂಪಿ 2001.
11. ಜೋಗನ್‌ಶಂಕರ್. ‘ದೇವದಾಸಿ ಸಂಪ್ರದಾಯ’, ವಿಮೋಚನಾ ಪ್ರಕಾಶನ, ಅಥಣಿ 1993.
12. ಶಂಬಾಚೋಷಿ ‘ಕರ್ನಾಟಕ ಸಂಸ್ಕೃತಿ ಪೂರ್ವಪೀಠಿಕೆ’, ಸಮಾಜ ಪುಸ್ತಕಾಲಯ, ಧಾರವಾಡ 1966.
13. ಕಡತೋಟದ ಎಸ್.ಕೆ. ‘ಎಲ್ಲಮ್ಮನ ಜೋಗತಿಯರು ಹಾಗೂ ದೇವದಾಸಿ ಪದ್ಧತಿ’, ಕರ್ನಾಟಕ ವಿಶ್ವವಿದ್ಯಾಲಯ, ಧಾರವಾಡ 1983.
14. ಬಿ.ವಿ. ಕಕ್ಕಿಲಾಯ. ‘ಭಾರತೀಯ ದರ್ಶನಗಳು’, ನವಕರ್ನಾಟಕ ಪಬ್ಲಿಕೇಷನ್ ಪ್ರೈವೇಟ್ (ಲಿ) ಬೆಂಗಳೂರು 1994.
15. ಕಮಲಾಕ್ಷ. ಪಿ. ‘ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಹರಿಜನ ಮತ್ತು ಗಿರಿಜನರ ಸಾಮಾನ್ಯಿಕ ಇತಿಹಾಸ’, ಕನ್ನಡ ಪುಸ್ತಕ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು 1994.
16. ಡಿ.ಡಿ. ಕೋಸಂಬಿ. ‘ಮಿಥ್ ಅಂಡ್ ರಿಯಾಲಿಟಿ’, ಪಾಪ್ಯುಲರ್ ಪ್ರಕಾಶನ, ಬಾಂಬೆ 1962.
17. ವಿ.ಆರ್. ಕೃಷ್ಣ ಅಯ್ಯರ್. ‘ದುರ್ಬಲವರ್ಗದವರಿಗೆ ನುಡಿಯಲ್ಲಿ ನ್ಯಾಯ, ನಡೆಯಲ್ಲಿ ಅನ್ಯಾಯ’ (ಅನು ಶಂಪ ಐತಾಳ) ಅಕ್ಷರ ಪ್ರಕಾಶನ, ಸಾಗರ 1984.

18. ಕುಮಾರ ಕಕ್ಕಯ್ಯ ಪೋಳ. 'ಚಾತುರ್ವರ್ಣ ಧರ್ಮದರ್ಶನ', ಲೋಹಿಯಾ ಪ್ರಕಾಶನ. ಬಳ್ಳಾರಿ 1997.
19. ಮಂಜುನಾಥ ಬೇವಿನಕಟ್ಟಿ. 'ಕನ್ನಡ ಜನಪದ ನಂಬಿಕೆಗಳು', ಜ್ಯೋತಿ ಪ್ರಕಾಶನ ಮೈಸೂರು 2007.
20. ಕೆ.ಜಿ. ನಾಗರಾಜಪ್ಪ. 'ಗುಪ್ತ ಸಮಾಜಗಳು, ಇಕ್ಕಟ್ಟು-ಬಿಕ್ಕಟ್ಟು' ಪ್ರಣತಿ ಪ್ರಕಾಶನ, ತುಮಕೂರು 1998.
21. ಪುರುಷೋತ್ತಮ ಬಿಳಿಮಲೆ. 'ಹುಲಿಗೆಮ್ಮ' ಪ್ರಸಾರಾಂಗ, ಹಂಪಿ 1999.
22. ಪುರುಷೋತ್ತಮ ಬಿಳಿಮಲೆ. 'ಹಂಪಿ ಜಾನಪದ' ಪ್ರಸಾರಾಂಗ, ಕರ್ನಾಟಕ ವಿಶ್ವವಿದ್ಯಾಲಯ, ಹಂಪಿ 1996.
23. ಕುವೆಂಪು. 'ವಿಚಾರ ಕ್ರಾಂತಿಗೆ ಆಹ್ವಾನ', ಉದಯರವಿ ಪ್ರಕಾಶನ, ಮೈಸೂರು 1976.
24. ಪುಟ್ಟಸ್ವಾಮಿ. 'ಜನಪದ ನಂಬಿಕೆ, ಸಂಪ್ರದಾಯ, ಆಶಯ', ಸಂವಹನ ಪ್ರಕಾಶನ ಮೈಸೂರು.
25. ರಾಘವ ಮತ್ತು ವಸಂತಕುಮಾರಿ ಎಂ.ಸಿ. 'ಜನಪದ ನಂಬಿಕೆಗಳು', ಪ್ರಬುದ್ಧ ಪ್ರಕಾಶನ-1972.
26. ರಹಮತ್ ತರೀಕೆರೆ. 'ಧರ್ಮ'. ಕ.ವಿ.ವಿ. ಹಂಪಿ ವಿಶ್ವಕೋಶ, 2000.
27. ಡಾ. ರಾಮಮನೋಹರ ಲೋಹಿಯಾ. 'ವ್ಹೀಲ್ ಆಫ್ ಹಿಸ್ಟರಿ', ಹೈದರಾಬಾದ್-1974.
28. ರೋಮೀಲಾ ಥಾಪರ್ (ಅನು:ಸೂರ್ಯನಾಥ ಕಾಮತ್). 'ಗತಕಾಲದ ಬಗ್ಗೆ ಪೂರ್ವಾಗ್ರಹ' ನ್ಯಾಷನಲ್ ಬುಕ್‌ಟ್ರಸ್ಟ್ ಆಫ್ ಇಂಡಿಯಾ, ನವದೆಹಲಿ 1979.
29. ಎಸ್.ಜಿ. ಸರದೇಸಾಯಿ. 'ಭಾರತೀಯ ತತ್ವಜ್ಞಾನ- ವೈಚಾರಿಕ ಮತ್ತು ಸಾಮಾಜಿಕ ಸಂಘರ್ಷ, ನವಕರ್ನಾಟಕ ಪಬ್ಲಿಕೇಷನ್ (ಬೆಂ) 1994.
30. ಡಾ. ಸಿದ್ದಲಿಂಗಯ್ಯ. 'ಗ್ರಾಮದೇವತೆಗಳು', ಮೂಲಭಾರತಿ ಪ್ರಕಾಶನ, ಬೆಂಗಳೂರು 1997.

## Reference Books (Kannada)

- Ambedkar B.R. 'Writings and Speeches of Dr. Ambedkar', Vol 7, Government of Maharashtra.1985
- Baraguru Ramachandrappa. (ed), 'Upsamskriti Adhyayana', Karnataka Sahitya Akademi, Bangalore.1993
- Boralingaiah Hi.Chi. 'Ujjani Chowdamma', Kannada Book Authority, Bangalore.1979
- Chandrashekara Kambara. (ed), 'Kannada Janapada Vishwakosha', Kannada Sahitya Parishat, Bangalore.1985
- Chennanna Walikara. 'Hyderabad Karnataka Gramadevategala Janapadeeya Adhyana', Dalita Bandaya Sahitya Prakashana, Gulbarga.1998
- Chidananda Murthty M. 'Madhyakaalina Karnatakada Kelavu Rahasya Tantrika PanthagaLu', Bangalore University, Bangalore.
- Chidananda Murthy M. 'Madhyakaalina Kannada Saahithya mattu Asprishyate', Prasaranga, Karnataka University, Dharwad.1985
- Devanuru Mahadeva, 'Edege Bidda Akshara', Abhinava Prakashana, Bangalore. 2012.
- Deviprasad Chattopadhyaya. 'Lokayatha', New Delhi.1958
- Govinda. 'Bellary Jilleya Janapada Daivagalu', Prasaranga, Kannada University, Hampi.2001
- Jogan Shankar. 'Devadasi Sampradaya', Vimochana Prakashana, Athani. 1993
- Joshi . sham. ba. 'Karnataka Samskriti Purva Peethike', Samaja Pustakaalaya' Dharwad. 1966.
- Kadethotada S.K. 'Ellamana Jogathiyaru haagu Devadasi Paddathi', Karnataka University, Dharwar.
- Kakkilaya, B.V. 'Bharatiya Darshanagalu', Nava Karnataka Publications, Bangalore.1994
- Kamalaksha P. 'Dakshina Kannada Jilleya Harijana mattu Girijanara Saamaajika Itihaasa', Kannada Book Authority, Bangalore.1983
- Kodambi D.D. 'Myth and Reality', Popular Prakashana, Bombay.1962
- Krishna Iyer V. R. 'Durbala Vargadavarige Nudiyalli Nyaya, Nadeyalli Anyaya', Akshara Prakashana, Sagara.1984
- Kumara Kakkaya Pola. 'Chaturvarna Dharmadharshana', Lohiya Prakashana, Bellary.1997
- Manjunatha Bevinakatte. 'Kannada Janapada Nambikegalu', Jyothi Prakashana, Mysore.2007



- Nagarajappa K.G. 'Gupta Samaajagalu, Ikkattu-Bikkattu', Pranati Prakashana, Tumakuru.1998
- Purhottama Bilemale. 'Hampi Jaanapada', Prasaranga, Kannada University, Hampi.1996
- Purushottama Bilimale. 'Huligemma', Prasaranga, Kannada University, Hampi.1999
- Puttappa K.V. 'Vichaara Kraantige Ahvaana', Udayaravi Prakashana, Mysore. 1976
- Puttaswamy. 'Janapada Nmbike, Sampradaya, Ashaya', Samvahana Prakashana, Mysore.1986
- Raghava and Vasantha Kumari M.C. 'Janapada Nambikegalu', Prabhudhdha Prakashana.1972
- Rahamath Tarikere. 'Dharma', Kannada University, Hampi. 2000
- Ram Manohar Lohia. 'Wheel of History', Hyderabad.1974.
- Romila Thaper (Tr. Suryanatha Kamath). 'Gathakaalada bagge Purvaagraha', National Book Trust of India, New Delhi. 1979.
- Sardesai S.G. 'Bharatiya Tatvajnana – Vycharakia mattu Samaajika Sangharsha', Nava Karnataka Publicatios, Bangalore.1994
- Siddalingaiah. 'Grama Devathegalu', Mulabharathi Prakashana, Bangalore.1997

## Legal Texts & Documents

### International Instruments and foreign laws

- CEDAW General Recommendation 14 (ninth session, 1990) Female circumcision
- CEDAW General Recommendation 19 (11th session, 1992), Violence against women
- CEDAW General Recommendation 23 (16th session, 1997) Article 7 (political and public life)
- CEDAW General Recommendation No. 24 (20th session, 1999) Article 12: Women and health
- Consumer Protection from Unfair Trading Regulations 2008 (UK)
- Convention on the Elimination of All Forms of Discrimination against Women, 1979
- Convention on the Rights of the Child, 1989
- Criminal Code (Indonesia)
- Fraudulent Mediums Act, 1951 (UK)

- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- Unfair Commercial Practices Directive 2005/29/EC (EU)
- Witchcraft Act 1911 (Malawi)
- Witchcraft Suppression Act (Zimbabwe)
- Witchcraft Suppression Act, 1957 (South Africa)

#### Laws and Bills

- Chhatisgarh Witchcraft Atrocities Prevention Act 2005
- Commission (Prevention) of Sati Act, 1987
- Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954
- Karnataka Prevention of Animal Sacrifices Act, 1959
- Maharashtra (Eradication of Black Magic, Evil and Aghori Practices) Bill, 2005.
- Prevention of Dreadful Superstitious Practices Bill, 2011
- The Cable Television Networks (Regulation) Act, 1995
- The Karnataka Devadasis (Prohibition of Dedication) Act, 1982
- The Prevention of Witch (Daain) Practices Act, 1999, in Bihar
- The Karnataka Koragas (Prohibition of Ajalu Practice) Act, 2000
- Witchcraft Prevention Act, 2001, in Jharkhand

#### Judgments

- *Damu S/o Gopinath Shinde*, 2000 (6) SCC 269
- *Hulikal Nataraju v. State of Karnataka*, W.P. No. 1750/2008, decided on 13.09.2010
- *Kalpna Mazumdar*, (2002) 6 SCC 536 2002
- *Nirmaljit Singh Narula v. Yashwant Singh*, I.A. No.10017/ 2012 in CS(OS) 1518/2012, decided on 14.9.12
- *Sashiprava Bindhani v State of Orissa*, W. P. (C). Nos. 17638 of 2011 and 6287 of 2012
- *State of Delhi v. Jitender*, Death Sentence Ref. 1/2011, Cr. A. 912/2011, decided on 21.02.13
- *State of U.P. v. Sabrunnisa*, (2009) 15 SCC 452
- *Sushil Murmu v State of Jharkhand*, 2004 (2) SCC 33

# 4. Appendix

## Appendix I – The Maharashtra anti-superstition ordinance

RNI No. MAHENG /2009/35528

Reg. No. MH/MR/South-344/2011-13



### महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ५, अंक ३५]

सोमवार, ऑगस्ट २६, २०१३/भाद्र ४, शके १९३५

[पृष्ठे ९, किंमत : रुपये १८.००

असाधारण क्रमांक ६६  
प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Ordinance, 2013 (Mah. Ord. XIV of 2013), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

VIJAY L. ACHLIYA,  
Principal Secretary and Remembrancer  
of Legal Affairs to Government,  
Law and Judiciary Department.

(Translation in English of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Ordinance, 2013 (Mah. Ord. XIV of 2013), published under the authority of the Governor).

**SOCIAL JUSTICE AND SPECIAL ASSISTANCE DEPARTMENT**  
Madam Cama Marg, Hutatma Rajguru Chowk,  
Mantralaya Annexe, Mumbai 400 032, dated the 26th August 2013.

**MAHARASHTRA ORDINANCE No. XIV OF 2013.**

*AN ORDINANCE*

*to bring social awakening and awareness in the society and to create a healthy and safe social environment with a view to protect the common people in the society against the evil and sinister practices thriving on ignorance, and to combat and eradicate human sacrifice and other inhuman, evil, sinister and aghori practices propagated in the name of so called supernatural or magical powers or evil spirits commonly known as black magic by common with sinister motive of exploiting the common people in the society and thereby destroying the very social fibre of the society; and for matters connected therewith or incidental thereto.*

WHEREAS alarming number of incidences of exploitation of the common people in the society because of human sacrifice and other inhuman, evil,

भाग आठ-६६-१

(1)

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑगस्ट २६, २०१३/भाद्र ४, शके १९३५

sinister and *ghori* practices and practices of black magic and evil spirits at the hands of conmen, continuously have come to light ;

AND WHEREAS under the circumstance it has become absolutely necessary for the Government to take appropriate and stringent social and legal measures to effectively prevent such evil effects and spread of these harmful practices, usages, black magic and such other inhuman, evil, sinister and *ghori* practices and to save the common people from falling prey to the sinister designs of the black magicians and conmen, whose false claims of possessing magical or miraculous remedies or powers and anti-social and harmful activities are threatening to damage the very social fibre and the beliefs of the common people in the authentic and scientific medical remedies and cures ; and are driving them, on account of ignorance, to take recourse to conmen and black magicians ;

AND WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make a law for the purposes aforesaid ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title,  
extent and  
commencement.

1. (1) This Ordinance may be called the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and *Aghori* Practices and Black Magic Ordinance, 2013.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force at once.

Definitions.

2. (1) In this Ordinance, unless the context requires otherwise,—

(a) “Code” means the Code of Criminal Procedure, 1973 ;

2 of  
1974.

(b) “human sacrifice and other inhuman, evil and *ghori* practices and black magic” means the commission of any act, mentioned or described in the Schedule appended to this Ordinance, by any person by himself or caused to be committed through or by instigating any other person ;

(c) “prescribed” means prescribed by rules made under this Ordinance ;

(d) “propagate” means issuance or publication of advertisement, literature, article or book relating to or about human sacrifice and other inhuman, evil and *ghori* practices and black magic and includes any form of direct or indirect help, abatement, participation or co-operation with regard to human sacrifice and other inhuman, evil and *ghori* practices and black magic ;

(e) “rules” means the rules made under this Ordinance.

(2) Words and expressions used but not defined herein, shall have respective meanings as assigned to them in the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 and the Code. 21 of  
1954.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑगस्ट २६, २०१३/भाद्र ४, शके १९३५

३

3. (1) No person shall either himself or through any other person commit, promote, propagate or practice or cause to promote, propagate or practice human sacrifice and other inhuman, evil and aghori practices and black magic mentioned or described in the Schedule appended to this Ordinance.

Prevention and eradication of human sacrifice and other inhuman, evil and aghori practices and black magic.

(2) From the date of coming into force of this Ordinance, commission of any act of human sacrifice and other inhuman, evil and aghori practices and black magic and any advertisement, practice, propagation or promotion of human sacrifice and other inhuman, evil and aghori practices and black magic, in violation of the provisions of this Ordinance by any person by himself or through any other person shall constitute an offence under the provisions of this Ordinance, and the person guilty of such offence shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to fifty thousand rupees.

(3) Whoever abets the commission of, or attempt to commit any act or offence punishable under sub-section (2) shall be deemed to have committed that offence and shall, on conviction, be punished with the same punishment for such offences in sub-section (2).

(4) The offence punishable under sub-section (2) shall be cognizable and non-bailable.

4. No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of First Class shall try any offence punishable under section 3.

Jurisdiction to try offences.

5. (1) The State Government may, by notification in the *Official Gazette*, and subject to such terms and conditions as may be specified in the notification, appoint for any one or more police stations, as may be specified in the notification, one or more police officers to be known as the Vigilance Officer:

Vigilance Officer.

Provided that, such officer shall not be below the rank of an Inspector of Police, Group 'B'.

(2) It shall be the duty of the Vigilance Officer,—

(i) to detect and prevent the contravention or violation of the provisions of this Ordinance and the rules made thereunder, in the area of his jurisdiction and report such cases to the nearest police station within the area of his jurisdiction; and upon filing of complaint to the police station by any victim or any other person on his behalf, to ensure due and speedy action thereon and to give necessary advice, guidance and help to the concerned police station;

(ii) to collect evidence for the effective prosecution of persons contravening the provisions of this Ordinance; and to report the same to the police station of the areas in which such contravention has been or is being committed;

(iii) to discharge such other functions as may be assigned to him, from time to time, by the State Government, by general or special orders issued in this behalf.

४

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑगस्ट २६, २०१३/भाद्र ४, शके १९३५

(3) Any person who obstructs the discharge of the official duties or the work of the Vigilance Officer, appointed under sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine, which may extend to five thousand rupees or with both.

(4) The Vigilance Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Powers of entry, search, etc.

6. (1) Subject to the general or special orders issued in this behalf by the State Government, from time to time, the Vigilance Officer may, within the local limits of the area of his jurisdiction, with the assistance of the police officer of his area,—

(i) enter and search, at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Ordinance has been or is being committed ;

(ii) seize any material, instrument or advertisement which, he has reason to believe that the same has been or is being used for any act or thing which is in contravention of the provisions of this Ordinance ;

(iii) examine any record, document or material object found in any place mentioned in clause (i) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Ordinance.

(2) The provisions of the Code shall, so far as may be, apply to any search or seizure made under this Ordinance as they apply to such search or seizure made under the authority of a warrant issued under section 94 of the Code.

(3) Where any person seizes anything under clause (ii) or (iii) of sub-section (1), he shall, as soon as may be, inform the Magistrate and take his orders as to the custody thereof.

Application of provisions of sections 159 and 160 of Maharashtra Police Act.

7. The provision of sections 159 and 160 of the Maharashtra Police Act, shall apply to acts done in good faith by the Vigilance Officer under this Ordinance, as if the Vigilance Officer is a Police Officer within the meaning of that Act. XXII of 1951.

Application of provisions of Code.

8. The provisions of the Code shall apply to the investigation and trial of offences under this Ordinance.

Ordinance to be in addition to and not in derogation of any other law.

9. The provisions of this Ordinance shall be in addition to and not in derogation of any other law for the time being in force.

Publication of fact of conviction.

10. (1) Where any person is convicted of any offence punishable under this Ordinance, it shall be competent for the Court convicting such offender to cause the name and place of residence of such person to be published by the police in the local newspaper where such offence had taken place, together with the fact that such offender had been convicted of the offence under this Ordinance and such other particulars as the Court may deem fit and appropriate, to be allowed to be published.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑगस्ट २६, २०१३/भाद्र ४, शके १९३५

५

(2) No such publication under sub-section (1) shall be made until the appeal, if any, filed against such order is finally disposed of.

11. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules to carry out the purposes of this Ordinance.

(2) Every rule made under this Ordinance shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

SCHEDULE

[See section 2(1)(b)]

(1) Under the pretext of expelling the ghost, assaulting by tying a person with rope or chain, beating by stick or whip, to make the person drink footwear soaked water, giving chili smoke, hanging a person to roof, fixing him with rope or by hair or plucking his hair, causing pain by way of touching heated object to organs or body of a person, forcing a person to perform sexual act in the open, practicing inhuman acts, putting urine or human excreta forcibly in the mouth of a person or practicing any such acts.

(2) Display of so-called miracles by a person and thereby earning money; and to deceive, defraud and terrorize people by propagation and circulation of so called miracles.

(3) With a view to receive blessings of supernatural power, to follow the inhuman, evil and *ghori* practices which cause danger to life or grievous hurt; to instigate, encourage or compel others to follow such practices.

(4) Doing any inhuman, evil and *ghori* act and black magic in search of precious things, bounty, and water resources or for similar reasons in the name of *karni*, *bhanamati* and making or trying to make human sacrifice in the name of *jaran-maran* or the like, or to advice, instigate or encourage committing such inhuman acts.

(5) To create an impression by declaring that a power inapprehensible by senses has influenced one's body or that a person has possessed such power and thereby create fear in the mind of others or to threaten others of evil consequences for not following the advice of such person or deceive, defraud and deter him.

(6) By making the persons believe that a particular person practices *karni*, black magic or brings under the influence of ghost or diminishes the milching capacity of a cattle by *mantra-tantra* or similarly accusing a particular person that he brings misfortune to others, or is a cause for spread of diseases and thereby making the living of such person miserable, troublesome or difficult; to declare a person as *saitan* or *incarnation* of *saitan*.

(7) In the name of *jaran-maran*, *karni* or *chetuk*, assaulting any person, parading him naked or put a ban on his daily activities.

(8) To create a panic in the mind of public in general by way of invoking ghost or *mantras*, or threaten to invoke ghost, creating an impression that there is ghostly or wrath of power inapprehensible by senses causing physical injuries and preventing a person from taking medical treatment and instead diverting him to practice inhuman, evil and *ghori* acts or treatment, threatening a person with death or causing physical pains or causing financial harm by practicing or tend to practice black magic or inhuman act.

(9) Prohibiting and preventing a person from taking medical treatment in case of dog, snake or scorpion bite and instead giving him treatment like *mantra-tantra*, *ganda-dora* or such other things.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑगस्ट २६, २०१३/भाद्र ४, शके १९३५

७

(10) Claiming to perform surgery by fingers, or claiming to change the sex of a foetus in womb of a woman.

(11) (a) To create an impression that special supernatural powers are present in himself, incarnation of another person or holy spirit or that the devotee was his wife, husband or paramour in the past birth, thereby indulging into sexual activity with such person;

(b) To keep sexual relations with a woman, who is unable to conceive, assuring her of motherhood through supernatural power.

(12) To create an impression that a mentally retarded person as having supernatural powers and utilising such person for business or occupation.

STATEMENT

An alarming number of incidences of exploitation of the common people in the society because of human sacrifice and other inhuman, evil and *ghori* practices, practice of black magic and evil spirits at the hands of conmen have come to light.

2. Under the circumstances, it has become absolutely necessary for the Government to take appropriate and stringent social and legal measures to effectively prevent and eradicate the evil effects and spread of these harmful and inhuman practices, black magic and such other inhuman, evil and *ghori* practices and to save common people from falling prey to sinister designs of the black magicians and conmen, whose anti-social and harmful activities are threatening to seriously damage the very social fibre and the faith of the common people in the authentic and scientific medical remedies and cures; and are driving them to take recourse to such black magicians and conmen, by promulgating an Ordinance with a view to make special and stringent law to deal with such evil and inhuman practices, etc.

3. The Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and *Aghori* Practices Bill, 2011 (L. A. Bill No. XLI of 2011), in this behalf was introduced in the Legislative Assembly, in the Monsoon Session of the State Legislature, 2011, on the 10th August 2011 and is pending. However, from the implementation point of view, the Government considers it expedient to make a law, after modifying certain provisions of the Bill, by promulgating an Ordinance.

4. The salient features of the Ordinance are as follows :—

(i) The practice, promotion and propagation of human sacrifice and other inhuman, evil and *ghori* practices and black magic, and the unauthorised and illegal medical practices by conmen, etc., is being prohibited by providing a definition of the term “ human sacrifice and other inhuman, evil and *ghori* practices and black magic”. Such practice is being made an offence under this Ordinance and to serve as deterrent, it is proposed to provide for stringent penal provisions for such offences including making of such offences cognizable and non-bailable;

(ii) It is being provided that, there would be a Vigilance Officer, who shall endeavour to detect and prevent contravention of the provisions of this Ordinance and the rules made thereunder and collect evidence for effective prosecution of the persons contravening the provisions of this law ;

(iii) It is proposed to provide for an enabling provision which would empower the Court to publish the details relating to the conviction of a person for commission of an offence under the provisions of this Ordinance; and

(iv) Other incidental and connected matters.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, ऑगस्ट २६, २०१३/भाद्र ४, शके १९३५

९

5. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that, circumstances exist which render it necessary for him to make a special and stringent law, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
dated the 24th August 2013.

K. SANKARANARAYANAN,  
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

R. D. SHINDE,  
Secretary to Government.

## **Appendix II**

### **Similar Laws in Karnataka and Other States**

#### **I. The Drugs And Magic Remedies (Objectionable Advertisements) Act, 1954**

ACT NO. 21 OF 1954 1 [ 30th April, 1954.]

An Act to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith.

BE it enacted by Parliament as follows:-

1. a) Short title, extent and commencement. This Act may be called the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 .  
b) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to persons domiciled in the territories to which this Act extends who are outside the said territories.  
c) It shall come into force on such date 2[ as the Central Government may. by notification in the Official Gazette, appoint.
2. Definitions. In this Act, unless the context otherwise requires,-
  - a) “advertisement” includes any notice, circular, label, wrapper, or other document, and any announcement made orally or by any means of producing or transmitting light, sound or smoke;
  - b) drug” includes-
    - i) a medicine for the internal or external use of human beings or animals;
    - ii) any substance intended to be used for or in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings or animals;
    - iii) any article, other than food, intended to affect or influence in any way the structure or any organic function of the body of human beings or animals;
    - iv) any article intended for use as a component of any medicine, substance or article, referred to in subclauses (i), (ii) and (iii)

1. This Act has been extended to Pondicherry by Reg. 7 of 1963, S. 3 and Sch. I (w. e. f. 1- 10- 1963 ).
2. 1st April 1955, vide Notification No. S. R. O. 511, dated 26th February, 1955, Gazette of India, 1955, Pt. II, Sec. 3, p. 449. Extend to and brought into force in Dadra and Nagar Heveli (w. e. f. 1. 7. 65) by Ref. 6 of 1963, s. 2 Sch. I.
  - (c) “ magic remedy” includes a talisman, mantra, kavacha, and any other charm of any kind which is alleged to possess miraculous powers for or in the diagnosis, cure, mitigation, treatment or prevention of any disease in human beings or animals or for affecting or influencing in any way the structure or any organic function of the body of human beings or animals;
  - (cc) 1[ “ registered medical practitioner” means any person,-
    - (i) who holds a qualification granted by an authority specified in, or notified under, section 3 of the Indian Medical Degrees Act, 1916 (7 of 1916 ) or specified in the Schedules to the Indian Medical Council Act, 1956 (102 of 1956 ); or
    - (ii) who is entitled to be registered as a medical practitioner under any law for the time being in force in any State to which this Act extends relating to the registration of medical practitioners;]
    - (d) taking any part in the publication of any advertisement includes-
      - (i) the printing of the advertisement,
      - (ii) the publication of any advertisement outside the territories to which this Act extends by or at the instance of a person residing within the said territories; 2[
3. Prohibition of advertisement of certain drugs for treatment of certain diseases and disorders. Subject to the provisions of this Act, no person shall take any part in the publication of any advertisement referring to any drug in terms which suggest or are calculated to lead to the use of that drug for-
  - (a) the procurement of miscarriage in women or prevention of conception in women; or
  - (b) the maintenance or improvement of the capacity of human beings for sexual pleasure; or
  - (c) the correction of menstrual disorder in women; or

(d) 3[ the diagnosis, cure, mitigation, treatment or prevention of any disease, disorder or condition specified in the Schedule, or any other disease, disorder or condition (by whatsoever name called) which may be specified in the rules made under this Act:

1. Ins. by Act 42 of 1963, s. 2.
2. Cl. (e) omitted by s. 2, *ibid.*
3. Subs. by s. 3, *ibid.*, for cl. (d).

Provided that no such rule shall be made except-

(i) in respect of any disease, disorder or condition which requires timely treatment in consultation with a registered medical practitioner or for which there are normally no accepted remedies, and

(ii) after consultation with the Drugs Technical Advisory Board constituted under the Drugs and Cosmetics Act, 1940 (23 of 1940 ) and, if the Central Government considers necessary, with such other persons having special knowledge or practical experience in respect of Ayurvedic or Unani systems of medicines as that Govern- ment deems fit.]

4. Prohibition of misleading advertisements relating to drugs. Subject to the provisions of this Act, no person shall take any part in the publication of any advertisement relating to a drug if the advertisement contains any matter which-

- (a) directly or indirectly gives a false impression regarding the true character of the drug; or
- (b) makes a false claim for the drug; or
- (c) is otherwise false or misleading in any material particular.

Prohibition of advertisement of magic remedies for treatment of certain diseases and disorders.

5. Prohibition of advertisement of magic remedies for treatment of certain diseases and disorders. No person carrying on or purporting to carry on the profession of administering magic remedies shall take any part in the publication of any advertisement referring to any magic remedy which directly or indirectly claims to be efficacious for any of the purposes specified in section 3.

Prohibition of import into, and export from India of certain advertisements.

6. Prohibition of import into, and export from India of certain advertisements. No person shall import into, or export from, the territories to which this Act extends any document containing an advertisement of the nature referred to in section 3, or section 4, or section 5, and any documents containing any such advertisements shall be deemed to be goods of which the import or export has been prohibited under section 19 of the Sea Customs Act, 1878 (8 of 1878) and all- the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word” shall” therein the word” may” were substituted.
7. Penalty. Whoever contravenes any of the provisions of this Act 1[ or the rules made thereunder] shall, on conviction, be punishable-
  1. Ins. by Act 42 of 1963, s. 4.
  - (a) in the case of a first conviction, with imprisonment which may extend to six months, or with fine, or with both;
  - (b) in the case of a subsequent conviction, with imprisonment which may extend to one year, or with fine, or with both.
8. (1) Powers of entry, search, etc. Subject to the provisions of any rules made in this behalf, any Gazetted Officer authorised by the State Government may, within the local limits of the area for which he is so authorised,-
  - (a) enter and search at all reasonable times, with such assistants, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed;
  - (b) seize any advertisement which he has reason to believe contravenes any of the provisions of this Act: Provided that the power of seizure under this clause may be exercised in respect of any document, article or thing which contains any such advertisement, including the contents, if any, of such document, article or thing, if the advertisement cannot be separated by reason of its being embossed or otherwise, from such document, article or thing without affecting the integrity, utility or saleable value thereof;
  - (c) examine any record, register, document or any other material object found in any place mentioned in clause (a) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

- (2) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898 ), shall, so far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.
- (3) Where any person seizes anything under clause (b) or clause (c) of sub-section (1), he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.]

9.

- (1) Offences by companies. If the person contravening any of the provisions of this Act is a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

1. Subs. by Act 42 of 1963, s. 5, for s. 8.

Provided that nothing contained in this sub- section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub- section (1) where an offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.- For the purposes of this section,-

- (a) “company” means any body corporate and includes a firm or other association of individuals, and
- (b) “director” in relation to a firm means a partner in the firm.

9A. 1[ Offences to be cognizable. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 , (5 of 1898 ) an offence punishable under this Act shall be cognizable.]



10. Jurisdiction to try offences. No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.
- 10A. 2[ Forfeiture. Where a person has been convicted by any court for contravening any provision of this Act or any rule made thereunder, the court may direct that any document (including all copies thereof), article or thing, in respect of which the contravention is made, including the contents thereof where such contents are seized under clause (b) of sub- section (1) of section 8, shall be forfeited to the Government.]
11. Officers to be deemed to be public servants. Every person authorised under section 8 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. (45 of 1860 ).
12. Indemnity. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.
1. Ins. by Act 42 of 1963, s. 6.
2. Ins. by s. 7, *ibid*,
13. Other laws not affected. The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.
14. 1[ Savings. Nothing in this Act shall apply to-
- (a) any sign board or notice displayed by a registered medical practitioner on his premises indicating that treatment for any disease, disorder or condition specified in section 3, the Schedule or the rules made under this Act, is undertaken in those premises; or
  - (b) any treatise or book dealing with any of the matters specified in section 3 from a bona fide scientific or social standpoint; or
  - (c) any advertisement relating to any drug sent confidentially in the manner prescribed under section 16 only to a registered medical practitioner; or
  - (d) any advertisement relating to a drug printed or published by the Government; or
  - (e) any advertisement relating to a drug printed or published by any person with the previous sanction of the Government granted prior to the

commencement of the Drugs and Magic Remedies (Objectionable Advertisements) Amendment Act, 1963 (42 of 1963); Provided that the Government may, for reasons to be recorded in writing, withdraw the sanction after giving the person in opportunity of showing cause against such withdrawal.]

Power to exempt from application of Act.

15. Power to exempt from application of Act. If in the opinion of the Central Government public interest requires that the advertisement of any specified drug or class of drugs 2[ or any specified class of advertisements relating to drugs] should be permitted, it may, by notification in the Official Gazette, direct that the provisions of sections 3, 4, 5 and 6 or any one of such provisions shall not apply or shall apply subject to such conditions as may be specified in the notification to or in relation to the advertisement of any such drug or class of drugs 2[ or any such class of advertisements relating to drugs].

Power to make rules.

16. (1) Power to make rules. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.
  1. Subs, by Act 42 of 1963, s. 8, for s. 14.
  2. Ins. by s. 9, *ibid*.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may-
  - (a) specify any 1[ disease, disorder or condition] to which the provisions of section 3 shall apply
  - (b) prescribe the manner in which advertisements of articles or things referred to in clause (c) of 2[ sections 14 may be sent confidentially.
- (3) 3[ Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be

of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

## **II. The Prevention of Witch-Hunting Practices Act 2001, Jharkhand (also The Prevention of Witch (Daain) Practices Act, 1999)**

*An act to provide for effective measures to prevent the witch practices and identification of a woman as a witch and their oppression mostly prevalent in tribal areas and elsewhere in Jharkhand and to eliminate the women's torture, humiliation and killing by the society and any for other matter connected therewith pr which are incidental thereto.*

Section 1: Short title, extent and commencement

Section 2: Definitions.-In this Act unless the context otherwise requires;

Section 3: Identification of Witch (Daain).-Whoever identifies any person as Witch (Daain) and does any act towards identification either by words, actions or manner shall be punished with imprisonment for a term which may extend to 3 months or with fine of Rs. 1000 or with both.

Section 4: Damages for Causing Harm. – Any person who causes any kind of physical or mental torture to any person by identifying her as a Witch (Daain) whether deliberately or otherwise shall be punished with imprisonment for a term which may extend to 6 months or fine of Rs 2,000 or both.

Section 5: Abetment in the Identification of Witch (Daain)

Section 6: Witch (Daain) curing.-whoever does any act of so healing allegedly or purportedly and of curing any woman said to be Witch (Daain) by doing any act of 'jhadphook' or 'totka' and thereby causing any kind of physical or mental harm and torture to that person identified as a Witch (Daain) in any manner shall be punished with imprisonment for a term which may extend to one year with a fine of Rs. 2,000/-or with both.

Section 7: Procedure for trial.-All offences of this Act shall be cognizable and non-bailable.

Section 8: Power to make the Rule.-The State Government may by notification in the *official gazette*, make such rules as are necessary to carry out the provisions of this Act.

### **III. THE KARNATAKA DEVADASIS (PROHIBITION OF DEDICATION) ACT, 1982.**

#### ARRANGEMENT OF SECTIONS.

Sections:

1. Short title and extent.
2. Definitions.
3. Dedication as devadasi to be unlawful.
4. Marriage of devadasi.
5. Penalty.
6. Protection of action taken in good faith.
7. Power to make rules.
8. Repeal.

#### STATEMENT OF OBJECTS AND REASONS

Act 1 of 1984 .- The Devadasi Abolition Act of Bombay State and a similar Act of Madras Government are in force in the Bombay Karnataka Area and in Bellary District respectively. It was also found that in some parts of Karnataka the Devadasi System is still in force and the women who are inducted to this system are in a pitiable condition and this has led them to take up prostitution for a living. Therefore it is found necessary to bring forward a legislation to minimise this social evil and to rehabilitate the victims. Dedication of a woman as Devadasi is made an offence and in order to make the provisions more effective, higher punishment is provided for a person abetting the offence if he happens to be the parent, guardian or relative of the woman.

Hence the Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 75 dated 3-2-1982 at page 5.)

KARNATAKA ACT NO. 1 OF 1984

(First published in the Karnataka Gazette Extraordinary on the Thirty-first day of January, 1984)

THE KARNATAKA DEVADASIS (PROHIBITION OF DEDICATION) ACT, 1982

(Received the assent of the President on the eleventh day of January, 1984)

An Act to prevent dedication of women as devadasis in the State of Karnataka.

WHEREAS the practice of dedicating women as devadasis to deities, idols, objects of worship, temples and other religious institutions or places of worship exists in certain parts of the State of Karnataka ;

AND whereas such practice leads women so dedicated to a life of prostitution;

AND whereas it is expedient to put an end to the practice ;

BE it enacted by the Karnataka State Legislature in the Thirty-third Year of the Republic of India as follows :-

1. Short title and extent.- (1) This Act may be called the Karnataka Devadasis (Prohibition of Dedication) Act, 1982.  
(2) It extends to the whole State of Karnataka.
2. Definitions.- In this Act, unless the context otherwise requires,- (a) “dedication” means the performance of any act or ceremony, by whatever name called, by which a woman is dedicated to the service of any deity, idol, object of worship, temple, other religious institutions or places of worship ;  
(b) “devadasi” means a woman so dedicated ;  
(c) “temple” means a place by whatever designation known, dedicated to, or used as a place of religious worship ;  
(d) “woman” means a female of any age.
3. Dedication as devadasi to be unlawful.- Notwithstanding any custom or law to the contrary, the dedication of a woman as a devadasi, whether before or after the commencement of this Act and whether she has consented to such dedication or not, is hereby declared unlawful, void and to be of no effect and any woman so dedicated shall not thereby be deemed to have become incapable of entering into a valid marriage.
4. Marriage of devadasi.- Notwithstanding any custom or rule of any law to the contrary, no marriage contracted by a woman shall be invalid and no issue of such marriage shall be considered as illegitimate by reasons only of such woman being a devadasi.

5. Penalty.- Any person who, after the commencement of this Act, performs, permits, takes part in, or abets the performance of, any ceremony or act for dedicating a woman as a devadasi or any ceremony or act connected therewith shall on conviction be punishable with imprisonment of either description for a term which may extend to three years and with fine which may extend to two thousand rupees:

Provided that where the person referred to in this section is the parent or guardian or a relative of the woman so dedicated, he shall be punishable with imprisonment of either description which may extend to five years but which shall not be less than two years and with fine which may extend to five thousand rupees but which shall not be less than two thousand rupees.

Explanation.- A person referred to in this section shall include the woman in respect of whom such ceremony or act is performed.

6. Protection of action taken in good faith .- No suit, prosecution, or other legal proceedings shall lie against the Government or any person for anything which is in good faith done or intended to be done under this Act.
7. Power to make rules:- (1) The State Government may, after previous publication and by notification in the official Gazette, make rules for carrying out the purposes of this Act.
- (2) Without prejudice to the generality of the power conferred by subsection (1) such rules may provide,- (a) for the manner of investigation of offences under this Act ;
- (b) for custody, care, protection, welfare and rehabilitation of devadasis;
- (c) for any other matter which in the opinion of the State Government has to be prescribed.
- (3) Every rule made under this section shall be laid as soon as may be after it is made, before each house of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the sessions immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the State Government in the official Gazette have effect only in such modified form or be of no effect,

as the case may be ; so however, the modification, or annulment shall be without prejudice to the validity of anything previously done under that rule.

8. Repeal.- The Bombay Devadasis Protection Act, 1934, (Bombay Act 10 of 1934) and the Madras Devadasis (Prevention of Dedication) Act, 1947 (Madras Act 31 of 1947) are hereby repealed :

Provided that section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act 3 of 1899) shall be applicable as if the said enactments are repealed and re-enacted by this Act.

#### **IV. THE KARNATAKA PREVENTION OF ANIMAL SACRIFICES ACT, 1959 ARRANGEMENT OF SECTIONS.**

Statement of Object and Reasons

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Sacrifice in or in precincts of any place of public religious worship or adoration or in a congregation or procession connected with religious worship, prohibited.
4. Officiating at sacrifices prohibited.
5. Place of public religious worship or adoration or its precincts not to be allowed to be used for sacrifice.
6. Penalties.
7. General power to arrest without warrant.
8. Power to make rules.
9. Repeal.

STATEMENT OF OBJECTS AND REASONS I Act 3 of 1960.—The Mysore Prevention of Animal Sacrifices Act, 1948 and the

Madras Animals and Birds Sacrifices Prohibition Act, 1950 are in force in the Mysore and Madras Areas respectively. These Acts prohibit animal sacrifices in or within the precincts of Hindu Temples. There are no similar Acts in other areas of the State. It is desirable to make the law on the subject uniform. Hence this Bill.

(Published in Karnataka Gazette Part IV-2A dated 23rd July 1959, at page 170.)

Amending Act 21 of 1975.—The Mysore Prevention of Animal Sacrifices Act, 1959 provides for the prohibition of sacrifices of animals or birds only in Hindu Temples or in the precincts thereof. The Government consider it necessary to extend the scope of the Act to any place of public religious worship or adoration and its precincts and to any congregation or procession connected with the religious worship in a public street by amending the Act suitably. Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 17th May 1973 as No. 475 )

1[KARNATAKA]1 ACT No. 3 OF 1960

(First published in the 1[Karnataka Gazette]1 on the 4th February, 1960.) THE 1[KARNATAKA]1 PREVENTION OF ANIMAL SACRIFICES ACT, 1959 (Received the assent of the President on the 27th January, 1960.) (As Amended by Karnataka Act 21 of 1975.)

An Act to prevent animal sacrifices in or within the precincts of 2[any place of public religious worship or adoration and in any congregation or procession connected with religious worship]2 in the 1[State of Karnataka]1.

WHEREAS it is expedient to provide for the prevention of animal sacrifices taking place in or within the precincts of 2[any place of public religious worship or adoration and in any congregation or procession connected with religious worship]2 in the 1[State of Karnataka]1;

BE it enacted by the 1[Karnataka]1 State Legislature in the Tenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.- (1) This Act may be called the 1[Karnataka]1 Prevention of Animal Sacrifices Act, 1959.  
(2) It extends to the whole of the 1[State of Karnataka]1.  
(3) It shall come into force at once.

Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973  
Substituted by Act 21 of 1975 w.e.f. 15.5.1975

2. Definitions.- In this Act unless the context otherwise requires,— (a) “animal” includes birds;

1[(b) “precincts” in relation to a place of public religious worship or adoration includes all lands and buildings near such place which are ordinarily used for purposes connected with religious worship or adoration;]1



(c) “sacrifice” means the killing or maiming of any animal for the purpose 2[of any religious worship or adoration]3;

1[(d) “place of public religious worship or adoration” means any place intended for use by, or accessible to, the public or a section thereof for the purposes of religious worship or adoration.]1

1. Substituted by Act 21 of 1975 w.e.f. 15.5.1975

1[3. Sacrifice in or in precincts of any place of public religious worship or adoration or in a congregation or procession connected with religious worship, prohibited.- No person shall sacrifice any animal in any place of public religious worship or adoration or its precincts or in any congregation or procession connected with any religious worship in a public street.

Explanation.—For the purposes of this section and section 4 “public street” means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass.]1

1. Substituted by Act 21 of 1975 w.e.f. 15.5.1975

4. Officiating at sacrifices prohibited.- No person shall,-

3(a) officiate or offer to officiate at, or (b) perform or offer to perform, or (c) serve, assist or participate, or offer to serve, assist or participate in,

- any sacrifice in any 1[place of public religious worship or adoration or its precincts or in any congregation or procession connected with any religious worship in a public street]1.

1. Substituted by Act 21 of 1975 w.e.f. 15.5.1975

5. 1[Place of public religious worship or adoration]1 or its precincts not to be allowed to be used for sacrifice.- No person shall knowingly allow any sacrifice to be performed at any place, which,-

(a) is situated within any 1[place of public religious worship or adoration]1 or its precincts, and

(b) is in his possession or under his control. 1. Substituted by Act 21 of 1975 w.e.f. 15.5.1975

6. Penalties.- (1) Whoever contravenes the provisions of section 3 shall be punished with imprisonment, which may extend to six months or with fine which may extend to five hundred rupees or with both.

- (2) Whoever contravenes the provisions of section 4 shall be punished with fine which may extend to five hundred rupees:

Provided that if the offender is an officer, servant, authority, trustee or priest of the 1[institution related to the place of public religious worship or adoration]1, or the holder of an office and in receipt of emoluments or perquisites for the performance of any service in the 1[institution related to the place of public religious worship or adoration]1, he shall be punished with imprisonment, which may extend to six months or with fine, which may extend to five hundred rupees, or with both.

- (3) Whoever contravenes the provisions of section 5 shall be punished with imprisonment for a term which may extend to three months, or with fine, which may extend to three hundred rupees, or with both.

Explanation.—Any person who attempts to contravene or abets or attempts to abet a contravention of section 3, section 4 or section 5, shall be deemed to have contravened the said section.

1. Substituted by Act 21 of 1975 w.e.f. 15.5.1975

7. General power to arrest without warrant.- Any Police Officer, not below the rank of a Sub-Inspector, may arrest without warrant any person who contravenes the provisions of this Act.
8. Power to make Rules.- (1) The State Government may, subject to the condition of previous publication, make rules by notification in the Official Gazette, generally for the purpose of carrying into effect the provisions of this Act.
- (2) The rules made under this Act shall be laid, as soon as may be after they are made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session, or in two or more sessions, and if before the expiry of the said period, either House of the State Legislature makes any modifications in the rules or directs that the rules shall not have effect and the modifications or directions are agreed to by the other House, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be.
9. Repeal.- The Mysore Prevention of Animal Sacrifices Act 1948 (Mysore Act LI of 1948), as in force in the Mysore Area and the Madras Animals and Birds Sacrifices Prohibition Act, 1950 (Madras Act No. XXXII of 1950) as in force in the 1[Mangalore and Kollegal Area]1, are hereby repealed:

Provided that section 6 of the 1[Karnataka]1 General Clauses Act, 1899 1 [Karnataka]1 Act III of 1899), shall be applicable in respect of the said repeal and section 8 and section 24 of the said Act shall be applicable as if the said Acts were repealed and re- enacted by a 1[Karnataka Act]1

## **V. THE KARNATAKA KORAGAS (PROHIBITION OF AJALU PRACTICE) ACT, 2000**

### ARRANGEMENT OF SECTIONS

Statement of Object and Reasons

Sections :

1. Short title, extent and commencement.
2. Definitions.
3. Prohibition of Ajalu Practice.
4. Penalty.
5. Protection of action taken in good faith.
6. Power to make rules.
7. Repeal and savings.

### STATEMENT OF OBJECTS AND REASONS

Act 30 of 2000.- Koragas who belong to primitive tribes of Dakshina Kannada and Udupi districts are illiterate and superstitious. Using service of Koragas for Ajalu Practice exists in certain parts of Dakshina Kannada and Udupi Districts. Ajalu practice includes differentiating between Koragas and persons belonging to other communities, treating them as inferior human beings, mixing hair, nails or any other inedible or obnoxious substance in the food and asking them to eat that food and to make them to run like buffaloes before the beginning of Kambala. These practices amount to exploitation of Koragas and treating them as slaves and thus offends human dignity. Refusal to practice Ajalu voluntarily may render the life of Koragas extremely difficult. Therefore, it is considered necessary to bring a suitable legislation to prohibit Ajalu practice and make it punishable under law.

Hence the Bill.

KARNATAKA ACT NO. 30 OF 2000

THE KARNATAKA KORAGAS (PROHIBITION OF AJALU PRACTICE) ACT, 2000

(Received the assent of the Governor on the tenth day of December, 2000)

An Act to provide for the prevention of using the services of Koragas for Ajalu practice in some parts of the State of Karnataka.

WHEREAS using services of Koragas for Ajalu practice exists in certain parts of the State of Karnataka specially in Dakshina Kannada and Udupi Districts;

AND WHEREAS such practice amounts to exploitation of Koragas and treating them as slaves and which offends human dignity;

AND WHEREAS it is expedient to put an end to such practice;

BE it enacted by the Karnataka State Legislature in the fifty first year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Karnataka Koragas (Prohibition of Ajalu Practice) Act, 2000.
  - (2) It extends to the whole State of Karnataka.
  - (3) It shall be deemed to have come into force with effect from the seventeenth day of August 2000.
2. Definitions.- In this Act, unless the context otherwise requires,-
  - (a) "Ajalu practice " means, performance of any act or ceremony,-
    - (i) differentiating between Koragas and persons belonging to other communities by paying no wages or lesser wages to Koragas for using their service;
    - (ii) treating Koragas as inferior human beings as compared to others;
    - (iii) mixing hair, nails or any other inedible or abnoxious substance in the food and asking Koragas to eat that food;
    - (iv) driving Koragas to run like buffaloes before the beginning of Kambala.
  - (b) 'Kambala' means buffalo race in marshy land;
  - (c) "Koraga" means an Adivasi Tribal person belonging to Koraga Community of any age.

3. Prohibition of Ajalu Practice.- Notwithstanding anything contained in any law , custom, usage or practice by whatever name called, no person shall use the services of a Koraga for Ajalu practice with or without his consent.
4. Penalty.- Any person who, after the commencement of this Act, uses or abets the using of the services of a Koraga for Ajalu practice shall on conviction be punishable with imprisonment for a term which shall not be less than six months but, which may extend up to five years and with a fine not exceeding five thousand rupees.
5. Protection of action taken in good faith.- No suit, prosecution, or other legal proceedings shall lie against the Government or any person for any thing which is done or intended to be done in good faith under this Act. 3
6. Power to make rules.- (1) The State Government by notification, after previous publication may make rules for carrying out the purposes of this Act.  
  
(2) Every rule made under this Act shall be laid, as soon as may be after it is made before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, or issued, the rules shall there after have effect only in such modified form or be of no effect, as the case may be, so, however, that such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
7. Repeal and savings.- (1) The Karnataka Koragas (Prohibition of Ajalu practice) Ordinance, 2000 (Karnataka Ordinance No.7 of 2000) is hereby repealed.  
  
(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.